

Potomac Watch

'Fair Employment' Isn't Always Fair



By
**William
Raspberry**

ONE OF THE HARDEST concepts to get across, to private and government employers alike, is the difference between integration and nondiscrimination.

It is for this reason, more than for reasons of overt racism, that many employers who warmly endorse the idea of fair employment go into an absolute tizzy over anything that hints of what they describe as "reverse discrimination."

The fact that "fair employment" has come to be accepted as a matter of routine hiring policy represents a good deal of progress, it must be acknowledged.

But for many employers, the progress has stopped at that point. Except for dyed-in-the-wool racists, most employers will, when confronted with a black applicant who is even marginally better qualified than a white one, hire the black applicant. Those who consider themselves enlightened may hire the black applicant even when he is only equally qualified or perhaps marginally less qualified.

This is "fair employment," and many employers are reluctant to go beyond it.

Even those who see the necessity of going further find it difficult to talk about it. Someone is sure to confuse matters by introducing

discussions of "merit" hiring and promotion and "reverse discrimination."

The concept behind merit employment is that, given two applicants for the same job, the better qualified one should be hired. It is this concept that has resulted in so many holders of master's degrees delivering mail for the Nation's post offices.

THE REASON for this is that we have somehow decided that a man with a master's degree is better qualified for any job than a man who has only a high school diploma. Common sense tells us it ain't necessarily so.

It may be talking out of school, but an illustration of the difference between nondiscrimination and integration is what is happening at newspapers across the country, including The Washington Post.

When the long hot summer became an American institution, big-city newspapers discovered that it was to their advantage to have black reporters on their staffs. Without either acknowledging any past discrimination against black applicants or any decision to lower standards, these newspapers managed to find black newsmen.

(Those papers that have found it advantageous to have black distributors of their product likewise have hired them.)

These same newspapers, however, have made substantially less progress in their clerical, accounting and advertising departments—not because they have been discriminating against Negro applicants but be-

cause they have been relying on mere nondiscrimination.

BECAUSE nondiscrimination and integration aren't the same thing, they require different techniques for their implementation.

The newspaper that decides to be scrupulously nondiscriminatory in its advertising department will weigh carefully the qualifications of every applicant. If no Negro happens to apply, well, whose fault is that?

But let that same newspaper decide that it is in its own best interest to have an integrated news staff. No longer do its executives sit back and wait for "fair employment" to work its way. They look for ways to achieve integration.

If the long hot summers have demonstrated anything, it is the need to show to members of minority groups that they, like all Americans, have a stake in the society. One way to accomplish this is to make certain that the society, at every level, is a fair reflection of its components.

That is to say that integration is an important goal in its own right. Once the decision is made to integrate the Nation's work forces, in government and out, it is a simple matter to do so.

IN THE ABSENCE of such a decision, integration is at best an intolerably slow process.

So strong is the grip of past discrimination that it will take a good deal more than mere nondiscrimination to break it now.

Newspapers and police de-

partments, among others, have discovered the value of an integrated work force, and their progress has been amazing. Somehow, without tampering with their standards, they have managed to find the hitherto elusive qualified black applicants.

It is time now that the rest of our society made the same discovery. The dividends may include the very survival of the Nation.

Black hiring and the law

RACIAL discrimination in the building trades took a shellacking the other day from a federal district judge in Philadelphia.

Judge Charles R. Weiner ruled that black hiring goals required for major federal construction projects in the Philadelphia area are not racial "quotas" and therefore do not violate the Civil Rights Act of 1964.

The U. S. Labor Department has threatened to impose similar plans on contractors in 18 other cities unless they can work out their own hiring agreements with the black community.

Judge Weiner, in upholding the Phila-

delphia Plan, had some justifiably tart things to say about employment practices in the construction industry.

He said the practice of methodically excluding blacks from some of the craft unions is "repugnant, unworthy and contrary to present national policy."

This exclusion is important, he said, because "civil rights without economic rights are mere shadows."

Right he is.

If a man can't get a fair shot at a good job, all those lofty sentiments in the Constitution must seem — to him at least — to have been written for somebody else.









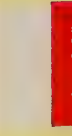


















New Plan Mapped On Boundary Shifts For High Schools

By Don Robinson
Washington Post Staff Writer

A second proposed revision of Washington's high school boundaries was completed yesterday.

Boundaries on the new map attempt to equalize enrollments, allowing all of next year's juniors and seniors to remain in schools they are attending this year. Thus, only

next year's sophomores would be affected by zone changes.

A map produced a week ago would allow only next year's seniors to remain in their present schools.

The new plan would move 2150 sophomores into new zones; the first proposal would move 3300 sophomores and juniors into new zones.

The latest proposal makes

more drastic changes than the first in the geography of the 11 school attendance zones. The most striking changes would shift a large area south and east of the Capitol into Western High school from Dunbar. The latter school would receive a large new area of the northeast toward the Anacostia River.

Less Integration Cited

Boundary coordinator Robert Boyd said he prefers the first map to the one finished yesterday. He said he dislikes the second map because (a) it would achieve less racial and socio-economic integration, since fewer children would be moved, and (b) the boundaries probably would have to be revised again the year after next, given the impact of the new group of sophomores in the fall of 1969.

The second map would leave in their present schools about 385 of this year's sophomores and juniors now attending out-of-zone schools under the School Board policy that permits students to transfer from crowded schools to schools that are under capacity.

While acknowledging that it is educationally desirable to leave these children in their present schools, Boyd said it would be a mistake to yield to the interests of this minority in designing boundaries for the whole city.

Third-Plan Eyed

Both maps have been drawn by a subcommittee of a 35-member citizens committee assigned to the boundary project. The committee wants to consider also a third high school proposal, under which the boundaries of Cardozo High School, part of the Model School Division, might be expanded but would not be constricted.

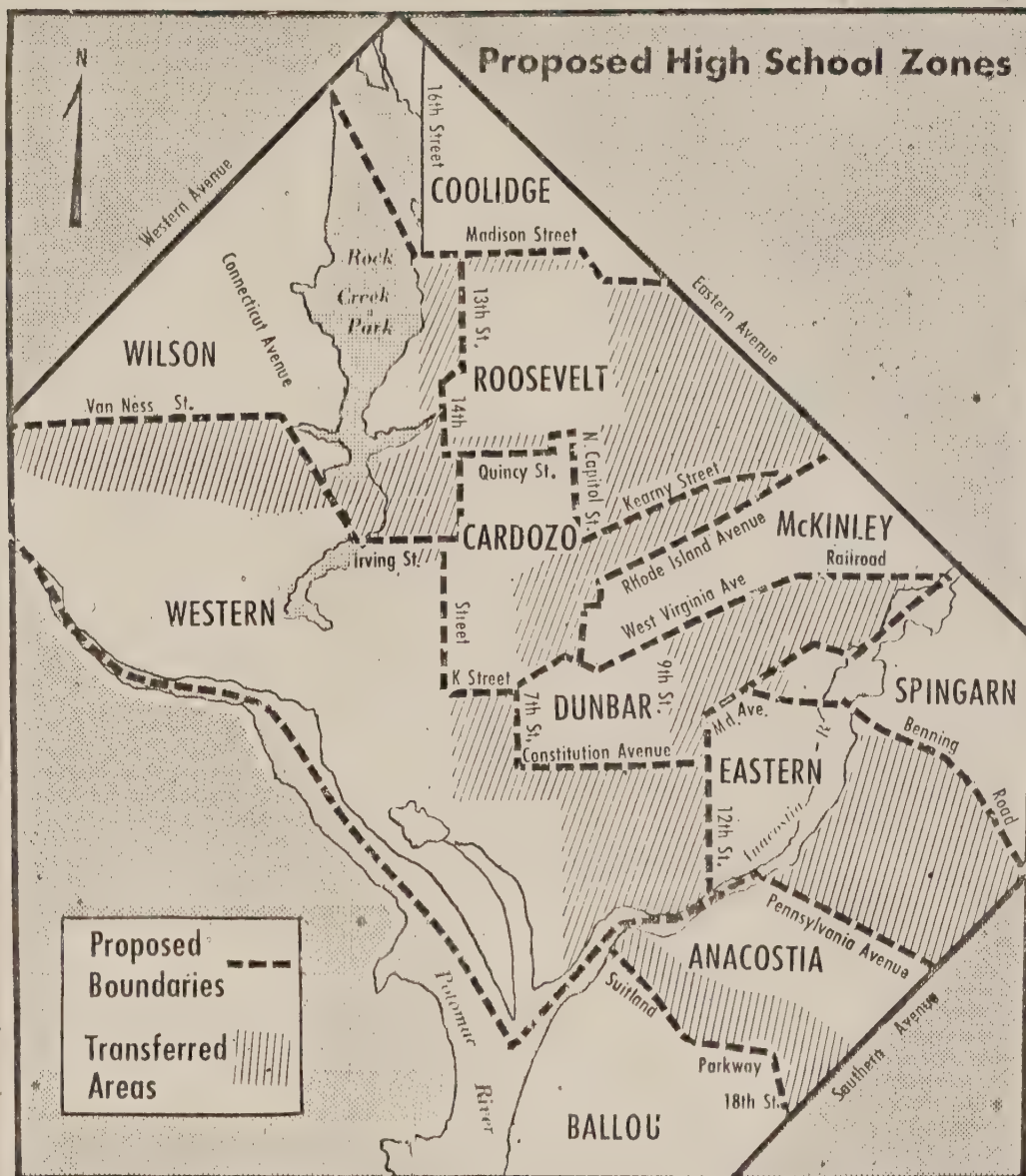
The committee must recommend both high school and junior high boundaries to the School Board. No junior-high proposals have been finished.

The second high-school proposal would not equalize enrollments as much as the first. Mathematically, the goal of the boundary revision is to give each school an enrollment 12 per cent above rated capacity. Projected enrollments under the first map range from 9.1 to 14.3 per cent above rated capacity. Under the second map, they range from 7.5 to 16.4 per cent over rated capacity.

The School Board got into the boundary project because of last June's decision by Federal Judge J. Skelly Wright in the suit brought by Julius W. Hobson. The purpose of the boundary revision is to comply with the Wright decree by equalizing enrollments among the schools and increasing racial and socio-economic integration.

The following table shows (A) projected fall, 1968, enrollments without any boundary changes, (B) fall 1968, enrollments at the ideal 12 per cent over rated capacity and (C) fall 1968 enrollments under the map finished yesterday.

High Schools	(A)	(B)	(C)
Anacostia	1775	1540	1589
Ballou	1750	1335	1382
Cardozo	1650	2003	1919
Coolidge	1750	1657	1677
Dunbar	1475	1415	1352
Eastern	2550	2590	2557
McKinley	2400	2010	2006
Roosevelt	1375	1657	1636
Spingarn	1775	1830	1848
Western	1270	1448	1474
Wilson	1375	1645	1673



March 29, 1968

Washington Post map by Joseph P. Mastrangelo

Map shows second proposal for revision of high school zones.





Working in the System

CONSERVATIVES who keep counseling dissidents to "work within the system" don't care much for Julius Hobson, in spite of the fact that he has made a career of practicing what they preach.

The reason is that their appeals to "work within the system" really translate into exhortations to make peace with the status quo. They find Hobson upsetting because he has become expert at working within the system for change.

His major successes—most notably in improving

public education for black children—have resulted directly from his faculty for using the system to change the system.

His new booklet, "The Damned Information," gives some practical insights into how it is done. The booklet, published by the nonprofit Washington Institute for Quality Education which he heads, is the second in a series on society's "damned."

The first, "The Damned Children," points out how unequal treatment, financial and otherwise, has condemned ghetto youngsters to inadequate education.

Subsequent publications will include "The Damned Administrators and the Budget," "The Damned Teachers" and "The Damned Black Federal Worker."

The "Damned Information" isn't the most interesting, but it may turn out to be the most useful of the lot. In it, Hobson explains that some of his fights have been made unnecessarily difficult by official reluctance to provide information that ought to be publicly available.

MORE TO the point, he provides practical pointers on how to force bureaucrats to make the information available.

The preface by Rep. John E. Moss (D-Calif.) describes Hobson's book this way:

"Not only is it a valuable tool in illustrating how the law can work for the individual, but it also is an important contribution toward enlightening the public as to the avenues of recourse available to them in cases where they are denied their right to information."

Moss was chairman of the subcommittee that created the Freedom of Information Act that Hobson has used to pry information out of reluctant officials.

"The Damned Information" lists step-by-step directions for requesting data, tells what to do when officials refuse to furnish it, and even suggests ways of getting congressmen and courts into the act.

It includes sample pleadings from successful lawsuits, including some of Hobson's, and a state-by-state analysis of information laws.

Some of the booklet's contents will be useful in law schools, among which Hobson hopes to find a market.

FAR MORE of it will be valuable to local activists who often find themselves relying too much on enthusiasm and too little on hard facts. This is especially true of the chapter that tells how to use the information once you've got it.

Hobson said he was moved to publish the booklet by requests from law students and civil rights activists who wanted to know how he had put his own successful cases together.

Most often, he said, they wanted to know how to document the things they knew to be true: how to prove discrimination in employment, how to measure discrimination in education, how to show unequal treatment in housing, public transportation or health services.

That sort of documentation has been a particularly strong point for Hobson, a statistician by profession. (The booklet is available for \$3.95 at the Washington Institute for Quality Education, 300 M St. SW, 20024.)

Be warned: "The Damned Information" is not entertaining, although it might well have been. A recounting of the efforts involved in springing loose the information Hobson needed for his school suit, for instance, with some indication of how new bits of information influenced the shape of the litigation, could have added life to the 68 pages.

So could a glimpse at some of the strengths and weaknesses of his opponents. Or an occasional smile.

What Hobson has produced instead is a handbook that will appeal almost solely to those who intend to act. He tells them how to do it "within the system."



The Washington Post

City Life

In Greater Washington

SECTION B

B1

TUESDAY, NOVEMBER 6, 1962

Small Progress Seen In Hiring Negroes Here

By Kim Willenson
Staff Reporter

While there has been some economic pressure to bear on minor progress in employment opportunities for Negroes in the District, by and large the situation is not much better today than it was 10 years ago,

four Negro leaders told an American Civil Liberties Union meeting last night. And until merit hiring and promotion become the rule, rather than the exception, Negro organizations will continue to exert economic and political pressure to the limit of their ability against employers who discriminate, the four agreed.

The speakers were Ruth Bates of the Commissioners' Council on Human Relations; Julius Hobson, president of CORE; the Rev. E. Franklin Jackson, president of the District NAACP; and Walter Lewis, executive director of the Washington Urban League. About 40 persons attended the meeting in the Philip Murray Building.

"In private industry," said Hobson, "for all practical purposes there is no place for Negroes." Noting that the unemployment rate among Negroes, at 12 per cent, is nearly double that of whites, at 7 per cent, Hobson said his organization would continue to bring

He said his group is drawing up a "selected buying" list of stores that employ Negroes. The list will be distributed during the Christmas shopping season. And he asked the ACLU for legal help in his battle against the Potomac Electric Power Co. and the Washington Gas Light Co., neither of which, he asserted, has fair hiring policies.

He said he wants legal help to investigate whether the two companies are "living up to their contracts" with the District and the Federal Government. Federal contract may, but do not always contain non-discrimination clauses. CORE was recently enjoined from a campaign of pasting "merit hiring" stamps on punch-card bills that would have made them useless for machine accounting.

Lewis noted that there has also been minor progress in getting Negroes into private clerical positions, but that financial institutions, insurance companies, and real estate concerns are "tough nuts to crack" in terms of employment policies.

All four agreed that one major problem is getting the District and the Federal Government to promote Negroes the same way that whites are promoted.





'Poverty is expensive,' says Julius W. Hobson

Julius W. Hobson, president of Washington CORE, said that "it would cost less to abolish crime than it does to permit it."

He made the observation at a Monday meeting at the Church of the Redeemer, Presbyterian, on the question of preventing and curbing juvenile delinquency.

"Even without basic changes in the economy, we could greatly reduce most juvenile crime and we could do so without increasing the police force," Mr. Hobson declared.

"If we want to measure cost in money terms — and it is a sad commentary on a society that prides itself on being Christian that money is usually the way we measure cost — it would cost less to abolish crime than it does to permit it."

He cited, for example, a comparison of Alice Deale Junior High and Wilson High with Shaw Junior High and Garnet-Patterson in the central city as contrasted with the first two schools in upper Northwest.

It costs taxpayers more per pupil to run Shaw and Garnet - Patterson than it does Deale and Wilson, though the direct cost in the school budget is greater at that latter schools, he stated.

MR. HOBSON further said:

"But it costs more to produce a dropout or a poorly trained graduate who will alternate between low-paid jobs, unemployment insurance compensation and relief, than it does to produce an eventual college graduate who will repay in income taxes alone more than the cost of educating him.

"Poverty is expensive."

He said that "this is a rich country, but not rich enough to afford bad schools.

"It is a tragedy," he added,

ed, "that we pump all the extras into the schools for the children of the wealthy, and starve the schools for the children of the poor."



Evening Star
February 6, 1964

Boycott

Julius Hobson, the local CORE director, errs in suggesting a mass boycott of Washington schools next month to protest their "inadequate facilities." For this is not a weapon which conceivably could help solve that problem. It very possibly, however, could aggravate it.

Unlike some of the controversies which have stimulated student boycotts elsewhere, no one denies that severe deficiencies exist in District schools. And no one opposes their correction. The immediate problem, reduced to its basic essential, is to find some means of funneling a great deal more money to the schools right now through the congressional appropriation to the District.

Ironically, the impetus toward improvement has already been stepped up significantly through the 1964 budget. Acting largely on its own initiative, Congress last year appropriated a good deal more for schools than the Commissioners had requested. And in his current series of appearances both on and off Capitol Hill, School Superintendent Hansen is doing an excellent job of justifying a substantially larger budget for next year. We strongly support his campaign.

But neither Congress nor anyone else would be impressed in the slightest by the sight of half of Washington's schoolchildren, pulled out of their regular classes, wandering aimlessly for a couple of days around the streets. Indeed, this is precisely the sort of pressure to which Congress most certainly would not respond.

We have no doubt it is well-intentioned. But Mr. Hobson's idea would amount to nothing more than a self-defeating demonstration for the sake of demonstrating.

to handle the area's pro

B2 Tuesday, March 10, 1964

Action of Sponsors Criticized

Baptist Ministers' Conference Here Opposes Proposed School Boycott

The Baptist Ministers' Conference of Washington and Vicinity last night issued a statement opposing a planned boycott of a number of District schools.

The action followed an announcement Saturday that CORE would conduct a one-day boycott of 18 public schools on April 20 to protest the "poor quality of education" in schools in poorer sections of the city.

The Baptist Ministers' Conference, whose more than 400 members represent the majority of Negro churchgoers in the metropolitan area, acknowledged there are prob-

lems in the District schools, but said sponsors of the boycott have "not sought to adjust their grievances through channels."

The ministers said an investigation showed that CORE had not registered a formal complaint with school administrators and that "no responsible citizens groups . . . were advised or consulted in the decision" to stage a boycott.

A spokesman pointed out that the group is not opposed to the principle of boycotts but felt such action should be taken only after efforts to negotiate prove futile.

Representatives of the min-

isters group also met yesterday with other civic and religious leaders at a session called by Sterling Tucker, executive director of the Washington Urban League.

Also represented at that meeting were the NAACP, the National Fraternal Council of Churches, the Methodist Ministers' Union, the Interdenominational Alliance, the D.C. Federation of Civic Associations, and the Southern Christian Leadership Conference.

Following their closed session, spokesmen said they would issue a joint statement on the boycott proposal at a press conference today at the New Bethel Baptist Church.

Hansen Meets Group in Bid To Bar Boycott

Pledges Effort Toward Easing Overcrowding

By CLARENCE HUNTER
Star Staff Writer

THE EVENING STAR
Washington, D. C.
Thursday, March 12, 1964

A three-hour closed-door conference between School Superintendent Carl F. Hansen and 10 Negro spokesmen resulted yesterday in some promises apparently designed to block a threatened boycott of District schools April 20.

Dr. Hansen said he was in "total agreement" with the majority of the group's proposals and indicated that each would be implemented in some manner as soon as possible. Most of them, he said, could be taken care of by administrative action.

He will meet with the group again at 10 a.m., April 30, for "a progress report."

Sterling Tucker, the group's spokesman, said overcrowding in predominantly Negro schools should get priority attention from school officials. The group proposed that lists of schools with low enrollments be posted so that pupils in severely overcrowded schools could transfer to them.

Schools Listed

Dr. Hansen agreed, but said the "only solution to overcrowding is the construction of new buildings." Schools which might take some of the overflow from other buildings beginning next fall were listed by Dr. Hansen as: Grant, Philmore, Jackson, Key, Hearst, Wilson, Deale, Hyde, Eden, Hardy and Western. Mr. Tucker said approximately 1,300 pupils might be involved in the transfers, but Dr. Hansen declined to discuss this.

The group asked the schools to provide the transportation, but Dr. Hansen said parents or interested organizations must perform this function. He said the transfers would be in line with an existing school policy.

Dr. Hansen agreed to take immediate steps to see that schools in the so-called culturally-deprived areas get more favorable consideration in the distribution of text books and other instructional supplies.

"Hand-me-down schools get hand-me-down supplies," Mr. Tucker charged.

The group suggested also that the schools institute a pilot tutorial project patterned after programs of after-school help now operated by private groups. An estimated 60,000 children could benefit immediately from such a program, Mr. Tucker said.

The group also called for an expanded human relations program, creation of a citizens committee which would work with education officials to improve the quality of District education, and an exchange of students to encourage "cultural diffusion."

Mr. Tucker accompanied the group's requests with a recognition of "the many fine programs... fine teachers, and good administrators," in the District schools.

Dr. Hansen said there would be a "stepup" in the system's human relations program if a foundation or other source would provide the financing. He said his staff will "certainly" consider the proposed tutorial program because "many children need individual attention or something which supplements the home." He said he also will consider staggering hours for opening and dismissing classes to avoid double shifts in schools where such a program would appear feasible.

Julius Hobson, chairman of the Washington Congress of Racial Equality, and the individual who threatened to lead the school boycott, will meet with Dr. Hansen March 23 to discuss CORE's grievances. Dr. Hansen said Charles Horsky, White House presidential adviser on District affairs, will attend the meeting.

Called to White House

Mr. Hobson said Mr. Horsky called him to the White House to discuss the school boycott and that he asked to attend the meeting with Dr. Hansen to help resolve the issue.

Yesterday's agreement between Dr. Hansen and the Negro group does not remove the possibility of a school boycott, Mr. Hobson said. "I still have my meeting with Dr. Hansen and the result of our discussions will determine whether or not we have a boycott," he emphasized.

Mr. Hobson revealed that Mrs. Gloria Richardson, Cambridge (Md.) integration leader, and the Rev. Milton A. Galamison, leader of the New York City school boycott, and other civil rights figures will be here next Wednesday to help CORE plan the District protest.

UNDERSTANDING DEFENDED

Teachers Slap Hobson for Boycott Threat

By CORDELIA RUFFIN

Can a child from a slum background be expected to know that a rose is more fragrant than a potato?

Julius Hobson, head of the Washington chapter of CORE, says he cannot, and that this is one of the problems that bolsters his argument that middle class Negro teachers in District schools don't understand their young pupils from less fortunate backgrounds. He said that when children were asked the rose-potato question on a test in school, some had never smelled a rose, but they knew the aroma of a potato cooking. If they answered potato, they were "dubbed as stupid", Mr. Hobson said.

MEETING

Mr. Hobson will take his list of complaints about District schools to Supt. Carl Hansen before carrying out a proposed boycott of the schools.

Meanwhile the High School Teachers Association of the District of Columbia, sent a letter to Mr. Hobson, opposing the boycott and taking him to task for his position that Negro teachers can't understand their pupils from slum backgrounds.

"In the high schools we know permanent Negro teachers are as fully qualified and competent to instruct their charges as are our white teachers," said the letter. "They are well grounded in subject matter, in the psychology of pupils, in methods of teaching, and these certainly include a constant awareness of a child's environment as an extremely important factor in his progress in school.

NAIVE?

"To charge that Negro teachers, as a middle class group, cannot be sympathetic to the aims of underprivileged Negro children borders on the ludicrous. You are charging them with deep-rooted prejudice against their own ethnic group, which, if it were an actuality, could not be corrected as you so naively believe, by a short in-service institute or 'talking to' as you expressed it."

The association said it favored presenting complaints about the schools "thru channels."

"A boycott, it seems to us, inflames tempers and tends to shut off communication at a time when better communication and rapport are desperately needed to solve a problem for the common welfare of all in the community."

School Boycott

CORE Director Julius Hobson is reported seeking support for a boycott of D. C. schools to protest their "overcrowded classrooms, inadequate libraries and laboratories and poorly trained teachers."

I am strongly convinced that any movement such as this, which encourages our young people in feelings of resentment and self-pity, leads them further from the path in which their real help lies: Hard work and self-discipline.

As everyone from Dr. Hansen on down will verify, I have been as vocal as anyone in protesting conditions that lower the quality of education in District schools. In fact, had Mr. Hobson wanted to march somewhere last summer when it became evident that schools would have to open without congressional approval of the budget that would supply much needed teachers to avoid detrimental overcrowding, I would have worked with him to unite all possible community forces in any action which might have avoided the situation which resulted. But the conditions in which the District operates its schools are unique and complex, and will not be bettered by students who already know how much easier it is to protest than to open a book and study.

This is a city filled with opportunities to learn—libraries, museums, church and community service organizations that would have astounded us in the "little red schoolhouses" of 30 years ago. I have seen many students in the new, well-equipped, "de facto integrated" school in which I teach who are surrounded by educational opportunities which they lack the inner motivation to seize.

What we need most now, I suppose, is a George Washington Carver of the human spirit, someone who can discover how to inspire initiative in young minds and liberate the many varieties of human achievement locked up there. But a boycott of the schools will not even begin to set the stage for that.

Frank T. Davenport,
Vice President, District of
Columbia Education Association

District's Schools

A school boycott on the part of District students would be an act of unwisdom, to say the best. Present circumstances, however bad they may be in some particulars, hardly justify such a course. Instead of this move, I presume to suggest to Julius Hobson and his unflinching followers a substitute undertaking.

CORE is a national organization with corresponding influence. My proposal is, therefore, that it promote a campaign to induce voting constituents (in the states) to urge their representatives in Congress to concern themselves more approvingly with District, especially fiscal, affairs.

Most of the major maladies of our local school system will respond only to the magical medicament of money. The only physician that we can take recourse to is Dr. Congressional Power. CORE would do well to bend its splendid energies toward persuading the doctor that, the day for further diagnosis having passed, the time for the cure is critically now.

J. W. HAYWOOD JR.
Washington.

WEDNESDAY, MARCH 18, 1964

"Boycott and Budget"

Your March 10 editorial on the proposed school boycott was most enlightening. As a faithful and thorough reader of *The Washington Post* I was only vaguely aware that school improvement was an urgent issue, and not at all aware that equal standards do not apply throughout our city. It was a well-kept secret.

If the cause is as urgent as you now suggest I wonder why groups less visceral and better financed than CORE have not been continually hounding the School Board and the Commissioners.

I am reluctant to believe that "responsible" civic groups and alert arms of the press depend upon organized demonstrations to arouse their indignation toward reform. However, until they can show more initiative in attacking, or at least publicizing our now admitted school inequities, I can only say: three cheers for a school boycott! If the victims do not protest the school budget, who will?

WILLIAM A. COLLINS,
Washington

WASHINGTON POST SEPT. 25, 1964

City and State: *Keppel Makes Plea to Keep Experimental Schools*

U.S. Commissioner of Education Francis Keppel urged the Senate Appropriations Committee yesterday to restore \$25 million in funds for five experimental vocational schools, one of which is planned for the Washington area.

Keppel said these schools would not conflict with the job training portion of the antipoverty program. They would be located in various parts of the country and would each handle about 1000 students aged 15 to 21. The residential schools also have been suggested for the West Coast, Southwest, Northeast, and Appalachia.

Dad's Politics

Baltimore Mayor Theodore R. McKeldin, a Republican who has not endorsed GOP Presidential Nominee Barry Goldwater, will attend a White House luncheon Tuesday.

McKeldin's acceptance of

the luncheon invitation plus his remarks Wednesday to a businessmen's group led to speculation that he might openly endorse President Johnson.

The mayor told the International Downtown Executives Association, "You get your politics from your father and your religion from your mother, and there is very little you can do about either although this time I may change my politics."

ACT Reacts

Julius Hobson, head of the District chapter of Associated Community Teams, told School Superintendent Carl F. Hansen yesterday that ACT fully backs his opposition to busing as a solution to de facto school segregation here.

In a telegram, Hobson said, "De facto segregation must be fought in the area of housing. The only solu-

tion to the problems in the school system is the improvement of neighborhood schools."

Rights Group Postpones Protest Week for 5 Days

Julius Hobson, chairman of Associated Community team (ACT) said yesterday there has been a five-day postponement in the "Seven Days in May" campaign planned by his mili-

tant Washington civil rights organization. Originally slated to begin yesterday with a "Stay-at-home-from-school-day" for District children, the week of local rights protests will begin

instead on Saturday, according to Hobson.

The school stay-at-home now has been dropped because parents of Shaw and Hines junior high school students were not sympathetic, Hobson said.

He said the rescheduling was due to the inability of most out of town rights leaders to be on hand until this weekend.

A feature of the first day's activities in the new schedule will be trips by busloads of citizens to the homes of five District leaders, Hobson said.

The officials include Police Chief John Layton; Commissioners Walter N. Tobriner and John B. Duncan; Welfare director Donald D. Brewer and James C. Banks, executive director of the United Planning Organization.

Hobson stressed that these will be "friendly, non-picketing visits in the officials' living rooms to talk about problems in welfare, employment, job discrimination and housing."

The week-long campaign now is slated to begin with a 3 p.m. rally Saturday in Lincoln Park.

The ACT chairman said the rights activities will continue Sunday with a meeting at the Dunbar Hotel of "200 militants from all over the country."

The Evening Star

WASHINGTON, D. C., TUESDAY, JULY 20, 1965

D. C. School Board Delayed by Sit-Ins

District Board of Education personnel policies were debated publicly yesterday at a special meeting that began with an hour - and - five - minute sit-in at the conference table by three members of ACT, a militant civil rights group.

The ACT members occupied the seats of board members to protest the actions of three of the four Negro members, whom they characterized as "Uncle Toms."

The ACT members submitted peacefully after three policemen entered the board room and told them they were under arrest. Charged with disorderly conduct were Julius W. Hobson, ACT chairman; Richard Brown, ACT office manager, and Samuel Graham, president of the Southeast Civic Association. All three posted \$10 bond for trial set for next Tuesday.

Occupy Seats

The demonstrators first sat-in at 12:55 p.m. during a meeting of the buildings and grounds committee. The meeting ended at 1:10 p.m. and the demonstrators moved to seats at the head of the table usually occupied by board president Wesley S. Williams and the school superintendent and his aides.

Williams four times asked Hobson and his colleagues to leave, but Hobson insisted they would only leave if arrested.

The demonstration was not supported by the Negro ministers' "Committee of 100" and civil rights leaders who called for the meeting on personnel policies. For nearly two hours Sterling Tucker, executive director of the Washington

Urban League, and several ministers questioned board members and school officials on the appointment of Dr. Dorothy L. Johnson as assistant superintendent for elementary schools.

Dr. Rufus C. Browning, assistant superintendent for personnel, Deputy Supt. John M. Riecks and Williams, maintained that Miss Johnson, who is white, was appointed because the full board and Supt. Carl F. Hansen rated her as the best qualified candidate.

Tucker told reporters after the meeting that the questioning showed that the board did not give sufficient weight to racial

balance as a criteria for administrative staff.

Mrs. Louise S. Steele, personnel committee chairman, said she favored a wideened search for candidates and opposed appointment of Miss Johnson, former principal of the Amidon School, "because I felt no system should be committed to one philosophy of education."

Dr. Euphemia L. Haynes said procedures of ranking candidates on an order of merit, including length of service, were violated and that she opposed appointing an administrator with a "fixed philosophy of education." She is a Negro.

Hobson, two others placed under arrest

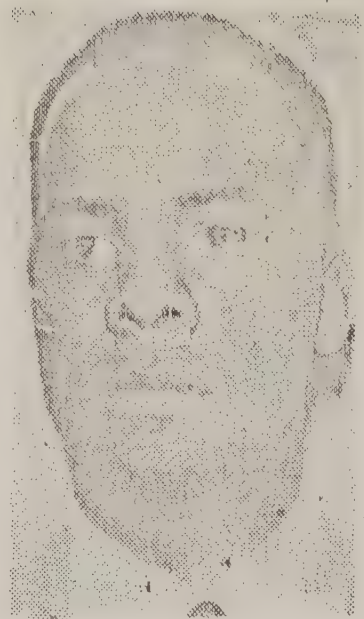
By RUTH JENKINS
and
LILLIAN WIGGINS

Terms like "liar," "Uncle Tom," "two oldest black members," "rabble rousers," "beating a dead horse," and "castigating people," were made at a school board meeting Monday before three protesting citizens were arrested for a "sit-in" in the board president's chair.

The meeting scheduled for 1:30 p.m. was delayed until 2 p.m. when high police officials arrived and arrested three representatives of ACT, a civil rights organization. They had refused to honor requests to move out of head table seats designated for the school board chairman, the school superintendent and school staff.

Arrested were Julius Hobson, ACT chairman, Richard Brown, ACT office manager, and Samuel D. Graham, who is also president of the Southeast Civic Association.

THE INCIDENT occurred at a special school board meeting called to explain why the school board appointed a white administrator,



JULIUS HOBSON

or, Dr. Dorothy Johnson, over the predominately colored elementary schools.

The board had approved her appointment on the recommendation of Dr. Carl Hansen, superintendent of schools, although the personnel committee and rejected his choice.

Ignoring the plea of Board Chairman Wesley Williams who said "I am asking you to move as a gentleman so that we can continue the orderly process of this board meeting," Hobson answered "We will move when the police arrive. If we are placed under arrest we will leave in orderly fashion. We will not go limp."

EARLIER HOBSON had explained to the standing room only crowd of spectators that "this is a sit-in demonstration to protest the continuation on the board of three black members who have in the past voted against the interest of the black community."

Col. West A. Hamilton and Mr. Williams have consistently voted with the white power group of the board of education and the new member of the board, the Rev. E. A. Hewlet arrived with the announcement that he supports the track system.

This is part of the continuation of the campaign against the 'uncle toms' in the community.

Mr. Graham also noted their objection to the fact that Hinds School was left out of the education system's proposed expansion plan.

THE OVERFLOW turnout included representatives of the Committee of 100 headed by the Rev. E. C. Smith of Metropolitan Baptist Church. The Rev. Mr. Smith read a prepared statement contending that "school personnel problems have created a power structure racially" but pointed out that his group was in no way connected with the sit-in demonstrations.

In his welcoming remarks, school board chairman Williams declared "as always we sincerely appreciate your interest in the D. C. school system. For most assuredly no government enterprise or agency can function fully effectively without the cooperation of the public which is to be served. And by cooperation I mean not just support, but, equally, public scrutiny and constructive criticism."

"As so particularly I would welcome this interchange as you come here apparently, and fortunately for all, with intentions, not clouded by the bitterness of alienation, but, rather, forced by the strength of your convictions."

BEFORE THE meeting got under way, a verbal tirade was exchanged between Hobson, Col. Hamilton and the Rev. Mr. Gray.

Col. Hamilton had voted for Dr. Dorothy Johnson's appointment. Thereafter his home and business were picketed.

Discussing this situation, he said "I am most hurt and disappointed in the gentlemen (several clergymen) I face across this table, church

leaders, apparently in collaboration with a man who is trying to destroy me and what little reputation I have."

"Last week that man, (pointing to Rev. Gray) and 20 other people circulated one of the most despicable documents I have ever seen. It contained nothing but lies and he is a liar. If he is your ally, I can only express a disappointment in the group."

"He said that my associates and I consorted to put up inferior buildings in colored neighborhoods which fell down when it rained. He is a liar and he knows it and as a man of the cloth he ought to be ashamed."

This brought Rev. Gray to his feet to declare indignantly "If anybody is a liar, he has been one."

At this point, chairman Williams came over, patted Col. Hamilton soothingly and contained him not to get excited. But Col. Hamilton snapped "Shut up I am not excited, you're the cause of all of this anyway!"

In summary, board members pointed out that all school appointments are recommended by the superintendent, and that the board is not bound to accept the recommendations of the personnel committee, although the committee's opinions are respected and taken into consideration.

In support of Dr. Johnson's appointment, Rufus L. Browning, assistant superintendent in charge of personnel reviewed the 14-point procedure which was followed in filling the vacancy. The choice was made "on merit" from among eight applicants who had undergone examination by a panel of eight administrators appointed by the superintendent.

Looking at the results Dr. Hansen had recommended Dr. Johnson.

Sterling Tucker, of the Urban League, in a series of questions to Mr. Browning and to the board tried to show the fallacies in this action.

In conclusion the Rev. Mr. Smith said although there is no recourse from the board's action in giving Dr. Johnson the position, the community is not satisfied.

Board Defends Policies

Sit-Ins Disrupt School Meeting



— News Photo by Wellner Streets

Three sit-ins occupy chairs prior to a special hearing of the D. C. School Board. From the left, Samuel Graham, Southeast Civic Association; Richard Brown, Office Manager of ACT, and Julius W. Hobson, Chairman of ACT. Right foreground with back to camera, Col. West Hamilton, a School Board member.

By CORDELIA RUFFIN

The D. C. School administration defended the personnel policies that led to the appointment of Assistant Superintendent Dorothy L. Johnson despite a double pronged attack yesterday from two civil rights groups.

The first attack was in the form of a sit-in by Julius Hobson, Chairman of ACT, and two colleagues, who took the occasion of a special school board public hearing to say there were three "Uncle Toms" on the Board — Chairman Wesley Williams and members Col. West Hamilton and the Rev. Everett A. Hewlett.

ARRESTED

Mr. Hobson appeared before the scheduled arrival of the Committee of 100, a group of Negro ministers, and occupied Mr. Williams seat until police came and arrested him.

Other sit-ins were Samuel Graham, of Southeast Civic Association, and Richard Brown, of ACT. They were released after posting \$10 bond each.

The ministers stood in the hallway and aisle of the board room, protesting to newsmen that Mr. Hobson was "preventing us from going thru the orderly process."

Mr. Hewlett, special target of ACT for supporting the track system, finally spoke up and said he would like to "set the record straight."

"Nobody ever asked me whether I was for the track system or against the track system," he said.

"For 17 years I've served the community. My record stands out there in the hearts of the boys and girls of Northeast..."

WOULDN'T DEBATE

"I don't feel it is necessary for me to enter into a debate with anyone... I don't intend to be anybody's rabble rouser or troublemaker."

Mr. Hewlett was only speaking up because, he said, "I feel I've been pushed in a corner. I've sat long enough listening to this palaver about me and the track system... We have to have some kind of way of making distinctions. We have always had ability groupings."

Mr. Hewlett said it was time to "stop using the track system as a whipping boy. You're whipping on a dead horse," he said.

Police arrived just at the close of his spirited speech and escorted Mr. Hobson and his colleagues away and the Committee of 100 got on with its case — a complaint that the school personnel policies have "created a power structure racially. The appointment of

Mrs. Johnson, it said, put the "entire central administration of instruction under white control."

Sterling Tucker, executive director of the Urban League, speaking for the committee, said if Negro children in the schools see such policies placing limitations on their opportunities, "it seems to me their education has played a great hoax on them."

"For too long the Negroes of this community have had decisions made for them," he said.

Rufus Browning, Assistant Personnel Director, replied that Dr. Johnson was appointed only after a systematic, nationwide, recruiting of applicants which included calls to 10 leading Negro colleges.

WASHINGTON, D.C., JULY 24, 1965

HOBSON WILL FIGHT CASE

Planning subpoena of Board

By RUTH JENKINS

Julius Hobson, leader of the three civil rights demonstrators arrested for staging a "sit-in" in school board members' chairs this week said they "couldn't ask for a better forum to air our complaints" than the court hearing set for Tuesday, July 27.

So they plan to ask for a jury trial. And to subpoena the school board members and records.

And to picket the law office of School Board Chairman Wesley S. Williams while the 9 a.m. police hearing is being conducted across the street at General Sessions Court.

AS CHAIRMAN of ACT, the civil rights group which staged the sit-in, Hobson said they will also picket Williams' home on Saturday morning. Board members Col. West A. Hamilton and Rev. E. A. Hewlett had been the target of similar demonstrations in previous weeks.

Mr. Hobson and two as-

sociates, Richard Brown and Samuel D. Graham delayed a school board meeting for a half hour Monday by refusing to move from seats designated for board members and the superintendent of schools.

They announced this behavior as "a protest demonstration against black school board members who have voted against the best interest of black children," and as an objection to school board administration practices.

Arrested on disorderly conduct charges, they were released on \$10 bond.

THE MEETING had been called for the school board to explain to indignant citizens why a white administrator, Dr. Dorothy Johnson, had been placed in charge of the predominately colored elementary schools.

He continued, "We intend to protest and demonstrate until and unless the 'uncle toms' are removed from the school board; and the superintendent changes his policy of removing colored educators from the higher administration positions."

This appointment, rejected by the school personnel committee, but recommended by Dr. Carl F. Hansen, school superintendent, has caused an unfavorable community reaction. And overflow crowd of concerned citizens was attracted to Monday's meeting.

Disclaiming any association with the sit-in demonstration, the Committee of 100, an

organization led by a group of ministers, presented a formal statement of protest against the "white power structure control" of the city schools which have an 87 per cent colored pupil population.

RUFUS L. BROWNING, assistant superintendent in charge of school personnel received the procedure by which Dr. Johnson was selected for the controversial position.

He said that eight qualified educators, including three colored, took the examination from which Dr. Hansen made his choice, and while there was disagreement among the school board, the majority voted to uphold Dr. Hansen's recommendation.

Mr. Hobson said after his sit-in arrest that he realized that this tactic evoked some criticism, even from other organizations equally dissatisfied with present school system operation.

But he felt that it served its purpose by pointing up the causes for community complaints. "This has taken the situation out of the realm of mere discussion and put it in the hands of the activists," he said.

"THIS MAKES the public more aware of the problems, if only so they can take an intelligent position for or against what I did," he pointed out.

"This is just the beginning of our public protest action," he declared. We are going to promote more civil disobedience, maybe encourage a school boycott in September."

Wasn't me judge, it was them - -

When the trial of Julius Hobson and two of his followers re-convenes in General Session Court at 2 p.m. Tuesday, the defense will continue efforts to show that disorder was created by the school board at its July 19 meeting rather than by sit-in demonstrators.

The case involving Hobson, chairman of Washington ACT, Richard Brown, ACT office manager, and Samuel D. Graham who is also president of the Southeast Civic Association, was heard by Gen. Sessions Court Judge Andrew Howard Tuesday and Wednesday of this week.

The three are charged with disorderly conduct for sitting in the chairs of school board members including that of board president Wesley Williams.

HERBERT REID, attorney for the defendants, contends they sat "quietly" in the chairs at the special

meeting of the board and when "confusion reigned supreme" they did not participate in it.

In fact, Hobson testified blandly, he contributed "only a smile" to the confusion.

"The conduct of one school board member was most unusual," Hobson asserted, in a reference to Col. West Hamilton. "He shouted repeatedly to a member of the audience calling him a liar."

"He was approached by Wesley Williams who put his hand on his shoulder but the school board member told

Williams, 'you're the cause of this difficulty.'

"Things seemed to have got out of hand," Hobson said regretfully.

HOBSON TESTIFIED he conducted the sit-in because "we felt the school board had failed. It is time the children of the community got relief. We felt the board was engaging in conduct to the disadvantage of the children of this community, particularly the black children."

Describing the scene which followed, he quoted Willi-

ams as saying very politely "you are in the seats of the board of education. Will you kindly leave?"

Hobson recalled replying, very politely, "this is a sit-in demonstration to protest the conduct of the board of education."

He told Williams "we will remain here until removed by police."

CARL C. SMUCK, vice president of the board, testified, "I came into the board room and I saw three gentlemen sitting in other board members' seats."

"It created an atmosphere that was clearly disruptive of the orderly fashion of the conduct of the business of the board."

Smuck conceded that the three were "peacefully sitting there" but added that he has been sitting in his seat for 10 years while Col.

(Continued on Page 23)

-Hobson claims

(Continued from Page 1)

Hamilton has been sitting in the same chair for 18 years.

MRS. LOUISE STEEL, who has been in her chair five and one half years, also admitted the ACT members "behaved quietly."

"They said what they had to say but because they took the seats they did, there was a delay."

Under questioning by Reid, Mrs. Steele agreed Hobson announced they were there to "protest the three Uncle Toms on the board."

Lt. James L. Faircloth, precinct one, testified he answered a radio run to the school board. When he found out what was going on, he "contacted my superior and received instructions."

Williams, the first witness, stated he couldn't remember the details of why Hobson said he took his chair.

HE WAS occupying the chair there with his pipe in his mouth, smoking. I don't remember his talking in a loud manner. In fact, I asked him if he wanted to say something. I thought that might appease him but he continued to sit there."

On Wednesday, the Rev. Walter Gray, a defense witness, recalled his involvement as a spectator at the special meeting.

"Col. Hamilton called me a liar," the Rev. Mr. Gray said.

"I said something in an open letter that didn't take so well with the Colonel."

JUDGE HOWARD observed during the proceedings, "I don't know what I would do if I came in here and a man was sitting in my chair. Of course, I wouldn't care, I've been sitting here so long. I'd just move out."

"But it would disturb me. I'd have to go ask Judge Smith (Chief Judge John Smith, General Sessions Court) 'what must I do?'"

"This is a unique situation. I've never heard of one like this before."

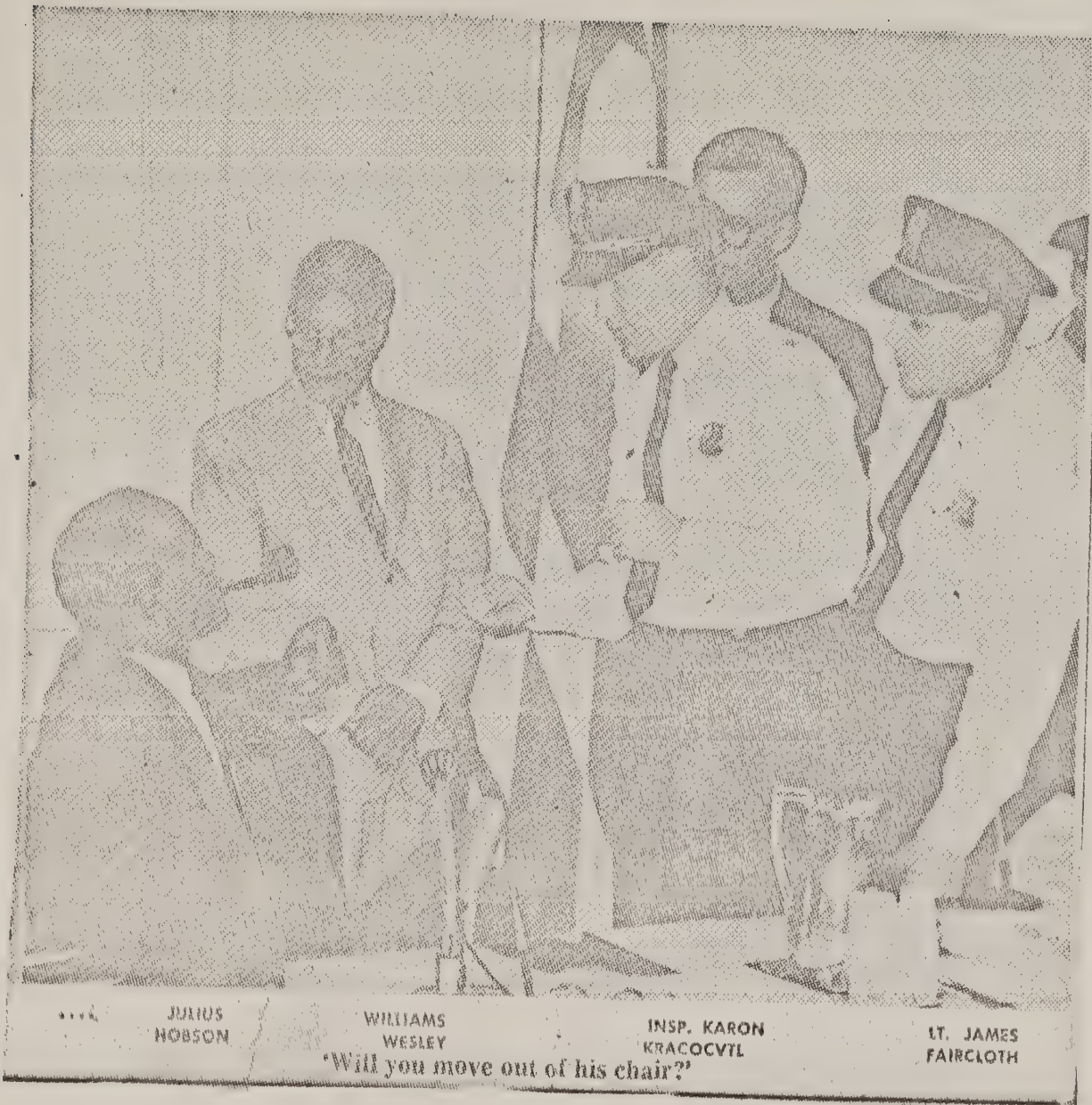


JULIUS
HOBSON

WESLEY
WILLIAMS

JOHN
REICKS

'I'm asking you like a gentleman'



JULIUS
HOBSON

WILLIAMS
WESLEY

INSP. KARON
KRACOVYL

LT. JAMES
FAIRCLOTH

'Will you move out of his chair?'

Bias in D.C. Schools Charged at House Probe

A congressional investigation of the District's poverty program began yesterday with a closed session during which several organizations charged that racial and economic discrimination is practiced in District public schools.

Rep. Adam C. Powell, D-N.Y., chairman of the House Education and Labor Committee, said that if such charges of discrimination are sustained federal funds to District schools could be withheld under Title VI of the Civil Rights Act.

The Rev. Walter A. Gray, chairman of the League for Universal Justice and Good Will, presented a petition calling for an investigation of District schools at the session of the Education and Labor subcommittee headed by Rep. Roman C. Pucinski, D-Ill.

The petition charged that the "track system" of ability grouping in District public schools denies equal opportunities, that funds are allocated to individual schools in a discriminatory fashion and that there is a trend toward an "all white administration" of the schools.

Also appearing at the closed subcommittee session was Julius Hobson, chairman of ACT, a militant civil rights organization.

Hobson, who was fined for conducting a sit-in at a school board meeting, said he intends to ask the U.S. Office of Education to deny federal funds to District schools because of racial and economic discrimination.

Powell said that ACT and the League for Universal Justice and Good Will are more representative of the Negro masses than the better-known civil rights organizations.

ACT and the league have been at odds with the Committee of 100, a coalition of Washington Negro ministers and civil rights leaders that recently reached an agreement with District School Supt. Carl F. Hansen for review of the track system.

Other groups interested in testifying about District schools and other aspects of the District poverty program will be invited, Powell said. "We will hear those who favor segregation and those who don't," he said.

District schools are scheduled to receive \$5.6 million under the new Elementary and Secondary Education Act and another \$4 million through the federal program of aid to impacted school districts, in which the city is sharing for the first time.

New, Militant Rights Groups Behind D.C. School Probe

By CHARLES D. PIERCE
Star Staff Writer

The two organizations whose charges of racial discrimination in District schools have touched off a preliminary inquiry by federal officials are relatively new and militant entries in the civil rights field.

They are ACT and the League for Universal Justice and Good Will. Among the things they have in common is the warm support of Rep. Adam Clayton Powell, D-N.Y.

ACT is a committee of civil rights figures from various sections of the country. The letters are not abbreviations but reflect the group's purpose.

Original Leaders Listed

Among the original members of this group were Mrs. Gloria Richardson, former chairman of the Cambridge (Md.) Non-Violent Action Committee; Julius Hobson, a former president of the Washington chapter of the Congress of Racial Equality; the Rev. Milton A. Galamison, who organized two New York school boycotts, and

Lawrence Landry, organizer of Chicago school boycotts.

Hobson, a research economist with the Department of Health, Education and Welfare, heads the local chapter of ACT. He became active in ACT after he was expelled from CORE for disobeying national officials of that organization.

Hobson also was active at one time in the National Association for the Advancement of Colored People and Urban League organizations. However, he says he feels that these groups are not active enough in dealing with the problems of the Negro masses and do not represent those who live in the slums.

50 to 100 Members

The local chapter of ACT has somewhere between 50 and 100 active members, according to its officials of this organization.

The League for Universal Justice and Goodwill was founded about four years ago by the Rev. Walter A. Gray, who is now its national chairman.

Mr. Gray, 75, of 301 11th St. NE, said that his organization is a combination of 26 other groups, including ACT. Most of

the affiliated groups are smaller Baptist churches, neighborhood and block groups, he added.

Gray estimated that the affiliated groups have about 2,000 members.

"We don't accept anyone who works against the American way of life," Gray said. "We don't want Muslims or black nationalists — we have had enough of that."

Praised by Powell

A spokesman for Rep. Powell has given the League full credit for persuading the Negro congressman to order hearings by a special subcommittee on the anti-poverty program in Washington and the role the schools are playing in this effort.

Gray said that when the league first approached Powell about holding hearings on the anti-poverty operation here, the congressman said he wanted to get the sentiments of the "general ordinary people."

The league then prepared a petition with 130 names of people who Gray said are "grassroots community leaders." Powell's aides report that the congressman was "tremen-

dously impressed" by the complaints in this document about the anti-poverty drive and the school system.

Complaints against the school system filed recently by the league and ACT with the U. S. Office of Equal Education Opportunities contend that racial discrimination is practiced in the school track system, in the allocation of school money and in appointments to top-level school administrative posts.

David Seeley, director of this office, said that "while these complaints are being investigated, we have not yet made any decision on whether there should be a formal investigation."

School Supt. Carl F. Hanser has said that he "welcomes" the probe and that he does not know of any racial discrimination in the school system.

He declined to comment on the league and ACT. He added that "public schools are the public's business and they are open to study and criticism by any responsible group."

Pucinski Hits Schools On Pupil Groupings

By JOHN MATHEWS
Star Staff Writer

Charges that the District's track system freezes pupils into low ability groups "might have merit," the chairman of a special House subcommittee investigating District schools and the local anti-poverty program, said today.

Rep. Roman C. Pucinski, D-Ill., told District School Supt. Carl S. Hansen at hearings today that movements of pupils between tracks was "woefully small." Pucinski said, "In this low figure I see the heart of the inquiry."

Last year, 6.1 percent of pupils at the high school level and 3.1 percent in the junior high schools switched tracks.

District school officials "have not faced up to the magnitude of the problem" of giving extra help to students in the lower basic and general tracks, Pucinski said.

Dropout Rates Vary

The defects of education for slow learning pupils are proved, he said, by the dropout rate of 30 percent last year for students in the two lower tracks, which was double the dropout rate of those in the higher tracks.

The congressman, who represents a Chicago district, agreed with Hansen that some type of ability grouping is needed. The purpose of the investigation by his subcommittee, Pucinski said, is to give the District "a model school system" that would make unnecessary complaints about its effectiveness.

Earlier today Hansen called charges that the track system violates the Civil Rights Act "bland assertions without one item of objective fact to support them."

In a school system where 87 percent of the pupils are Negro and 75 percent of the staff is Negro, "it is hard to believe that the charge of racial discrimination can be sustained," Hansen told the subcommittee.

Parental Neglect Noted

The District's system of ability grouping has become a "scapegoating device," Hansen said, which does not get at the root causes of problems.

Flaws in operation, overcrowding in schools and parental and community neglect of children are factors neglected when the track system is attacked, he said.

If the track system were abandoned, Hansen said, mentally retarded children who can do only fifth-grade arithmetic would be in the same class as advanced students doing calculus. The special curriculum to prepare students for college and tracks for gifted children would have to be abandoned, he said.

The subcommittee investigation was prompted by complaints of the League for Universal Justice and Good Will that charged the track system is a discriminatory means for "programmed retardation." Hansen appeared today at the third public hearing of the investigation. On Friday subcommittee members will visit Cardozo High School.

The Evening Star

With Sunday Morning Edition

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CROSBY N. BOYD, President

NEWBOLD NOYES, Editor

BENJAMIN M. McKELWAY, Editorial Chairman

A-12

THURSDAY, OCTOBER 28, 1965

Attacks on the Track

With the Pucinski hearings in the House, the determined efforts to torpedo the District schools' track system—which means grouping students according to their ability to learn—has hit full stride.

Julius Hobson, speaking for his small group, is back once more, still peddling his ridiculous charge that the track system represents a deliberate attempt by the school superintendent and the District School Board to foster racial discrimination by consigning many Negro children to "an economic, cultural and social junk heap."

This foolishness deserves to be taken no more seriously than Mr. Hobson's suggestion that Superintendent Hansen, for the good of the community, should resign. The fact is that Dr. Hansen has had more than enough provocation during the last year or so to do just that, voluntarily, out of frustration. We trust that, for the good of the community, he continues to stay in his post.

Commissioner Tobriner, after a long period of silence on the subject, also has joined the fight against the track program, at least in elementary schools. In this, he is consistent. A decade or so ago, when Mr. Tobriner was president of the School Board, he opposed the system's expansion to elementary grades. He says he sees nothing wrong with retaining the system in the upper grades—a position he indicated in his House testimony, but unfortunately did not make entirely clear.

But there is a more important failing in the testimony of both Commissioner Tobriner and those others

who have been lambasting the track system in the lower grades. As Dr. Hansen charged yesterday at a teachers' meeting, none of the critics has proposed a satisfactory, clearly-defined substitute. They surely have an obligation to do so.

Mr. Tobriner said after his House testimony that he feels some sort of ability-grouping of youngsters is feasible within the classroom without placing labels on the children involved. Perhaps so. But where does this leave the individual teacher? Should the decision of whether to set up rigid ability groupings, or none at all, be left to the discretion of each teacher, in each grade? If so, what effect would this have on the pupils moving from grade to grade, considering the disparities already demonstrated so sharply in student ability?

Mr. Hobson expresses a different analogy. He envisions a proper form of ability grouping within a class as "several trains traveling at different speeds toward the same destination." Is this not, in essence, the intent of the present track system?

We have no doubt, as we have said previously, that there have been deficiencies in the administration of the present system. Dr. Hansen has conceded this, in effect, by ordering more intensive evaluation of pupils' abilities both before their assignment to tracks and during their progress through the grades. No doubt further improvements can be made. But none of this, and nothing else we have heard thus far, negates the desirability and the necessity for the basic system itself.

Potomac Watch**Hobson, Hansen Share Inflexibility
On Growing School Problems****By George Lardner Jr.**

"DR. CARROLL'S appearance here perhaps represents a triumph of courage over prudence," the chairman of a panel program on Washington's public schools announced.

With that, Assistant Superintendent Joseph M. Carroll squared off with Julius Hobson free-swinging chairman of the militant civil rights group, ACT, and a member of the national steering committee of the Organization for Black Power.

Hobson proceeded to picture School Superintendent Carl Hansen and the controversial track system in the public schools as the root of educational problems in the city, renewed his demand for Hansen's resignation and called for a school system that would somehow solve all ills, preferably overnight. "We can't afford to wait," he said. Hobson's choice was to threaten the schools with what seems to be his favorite suggestion—a boycott—unless "the mealy-mouthed U.S. Office of Education" does something quick with his complaint about city schools. Hobson has charged that the track system of different curriculums — basic, general, honors and, later on, college preparatory—amounts to racial discrimination and, he contends, conscious discrimination at that.

Though he said he was just "pro-black" and not "anti-white," Hobson's attack was phrased wholly in racist terms. He even implied that the old system of segregated

**Lardner**

schooling, with Negro officials in charge of Negro schools, was preferable to what the city has now. His suggestions were similarly simplistic.

HOBSON SAID HE WAS "sorry to see" school officials concentrating on pre-school programs such as Project Head Start.

"Just put our youngsters in school and teach them," he said. "I am against the track system and the whole concept of testing. I charge Dr. Hansen, Dr. Carroll and the administrators in the public schools to teach our children to read and write. This can be done and they don't need any more money to do it."

Carroll managed to hold his own quite well. He rapped Hobson for suggesting Hansen was "a racist" and pointed out that behind the problems of the schools were "a hundred years of deprivation which has descended upon our cities . . . All the pressure, the money, the resources have gone into the suburban schools. The problems are left in the city."

At the same time Carroll gave a candid and distressing glimpse of Washington's educational problems with a 90 per cent Negro enrollment: a small central administrative staff (the average big city system, he said, has 50 per cent more central staff workers), "little money for research and planning," "the smallest requests" turned down by Congress, teachers and principals often resistant to change, pupils too often placed in the wrong track and serious difficulties in recruiting new teachers to wade into it all.

EVEN HOBSON seemed to relent just the tiniest bit.

He insisted that Hansen has been too inflexible to demands for change, a point that seems fairly well taken. But at the same time, he acknowledged to a question from the floor, that "forms of ability grouping are necessary. The slow learners should take the slower train; the fast learners, the faster train, and all should end up with the fullest development of their potential."

But all that's still motherhood talk. Carroll offered little more by way of solutions though after the discussion he indicated a strong liking for an ungraded bloc primary system of mixing youngsters together for three years at a time under a "master teacher" with the help of instructors in special subjects.

The third panelist, Washington Urban League Director Sterling Tucker, who is chairman of the community Advisory Council Hansen recently agreed to form, voiced hope that a forthcoming, independent study of the school system, which Hansen also has agreed to, will show "concrete proposals on where we go from here."

The evening, sponsored by the American Jewish Committee's local chapter, had a rather curious ending.

Several Hobson rooters, of whom there was a fair sprinkling in the small audience, came up and chided Carroll for not giving Hobson enough credit for sincerity.

If shouting amounts to sincerity, Hobson's got plenty. But it's the inflexibility he shares with Hansen that multiplies problems. On that score, both keep popping up in the honors track, but Hobson is way ahead.

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A-20

THURSDAY, DECEMBER 9, 1965

Flaws in the Track

Some weeks ago Superintendent Hansen agreed that by the end of this school term no child would remain in the District's controversial basic-track classes unless his assignment was supported by detailed psychological tests conducted by the school system's placement experts. The stepped-up testing program which ensued has produced some surprising results.

In brief, the first phase of this new evaluation covered some 1,273 children who had been placed in or slated for basic classes by school principals or teachers—without the benefit of previous expert testing. The testers found that among this total only 441 pupils, or about a third, actually were sufficiently retarded to meet the School Board's stated criteria for the slow-learner basic track. Consequently, most of the remaining two-thirds, or 823 of these youngsters, will be assigned to classes in the so-called regular track.

What does this mean? It quite obviously means that in the absence of adequate centralized testing, assignments to the basic track have been made far more loosely than school officials had said they should be. It means that teachers and principals, in their desire to help a variety of slow learners, have not adhered rigidly to the technical standards specified for the basic track. It means, if these standards are to be rigidly adhered to from now on, that the testing program will have to be vastly expanded and improved, and that signs of progress within basic-track pupils

also should be more closely watched.

But all of this is in no sense an indictment of the track system itself. Indeed, it confirms the justification for the concept of ability grouping in District schools. With the basic track standards more clearly and rigidly defined, it becomes more important than ever to maintain special classes for the children in this category.

Nor is this the end of the problem. For what now is to become, for example, of those children whose natural abilities are not quite low enough to justify their placement in the basic track, but who nevertheless are unable, for a variety of reasons, to absorb learning in regular, normal classes? The practical effect of removing these children from the basic track is, in all candor, merely to shift the responsibility for some more subtle form of ability grouping to teachers in the regular track classes.

This is the problem which Dr. Hansen emphasized at a meeting with other school officials on Monday. With a view to further refining the curricula, he said he wanted written reports by next month on the various efforts which are being made by individual principals to help slow learners who were formerly assigned to the basic track. We trust that a careful, continuing record also will be kept, for statistical purposes, of the progress of these students. Their performance in a new classroom environment will be an important consideration in the continuing debate over ability grouping.

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Evening Star

D. C., THURSDAY, FEBRUARY 10, 1966

Parley Slated on Expert To Probe School Suit

By JOHN MATHEWS
Star Staff Writer

U.S. Circuit Judge J. Skelly Wright has ordered a pre-trial conference to consider appointment of an expert who would investigate charges made against District public schools in a suit brought by a militant civil rights group.

In an order issued Tuesday, Judge Wright called a Feb. 28 conference of both sides in the suit, filed by lawyers for the civil rights group, ACT, on behalf of seven parents, 11 school children and one District school teacher.

The ACT suits call for dismissal of School Supt. Carl F. Hansen and the nine-member school board and urges public election of a new board.

Changing racial and economic discrimination, the suit also call for a permanent injunction to abolish the controversial track system of pupil placement, to stop what it calls unequal distribution of school funds and supplies, and to halt the use of federal funds for these purposes.

Call Unusual

Court experts of masters often are appointed in civil proceedings to determine the facts in the case, but legal observers said last night that use of such an expert at this stage in proceedings of a case alleging racial discrimination was unusual.

The judge's order calls for both sides to suggest an expert who would "study areas of school operation under attack in these proceedings and report factual findings."

Julius W. Hobson, ACT chairman, said the plaintiffs would submit a list of experts "who would constitute a Who's Who in American education and race relations."

Hobson, a plaintiff in the case, along with two of his children, said a court-ordered investigation of District schools would be of "great national significance."

Wesley S. Williams, president of the District school board, said last night, "I don't feel any discrimination will be found. Mr. Hobson and the rest have yelled long enough that perhaps it's time for someone to step in and take an impartial look."

The Hobson suit is against Hansen, the school board, the U.S. District Court Judges and the District Board of Elections. Judge Wright was designated by Chief Judge David L. Bazelon of the U.S. Court of Appeals to hear the case.

Briefs Due Today

Briefs, ordered by Judge Wright, were to be filed today concerning one allegation of the suit that the act vesting the District Court judges with the duty to appoint school board members is unconstitutional. The suit argues that the board's actions, including the appointment of Supt. Hansen, are therefore also unconstitutional.

Hansen has received proposals from two university research groups for an independent study of the track system and other curriculum organizations. The outside study was demanded by a group of Negro ministers and civil rights leaders who criticized school policies last summer.

Expected shortly is a report from a House Education subcommittee that investigated District schools and their relation to the local antipoverty effort. The House investigation was requested by the League for Universal Justice and Goodwill, another civil rights group, as well as ACT.

3-Judge Panel Should Test Legality Of D.C. School Board, Wright Rules

U.S. Court of Appeals Judge J. Skelly Wright has ruled that the question of whether the District school board members have been appointed constitutionally should be heard by a special three-judge panel, an attorney said yesterday.

William Higgs, one of the lawyers challenging the legality of the school board, said that Wright in an opinion Friday certified to Chief Judge David L. Bazelon of the Court of Appeals the necessity for naming a three-judge court to hear this question.

Wright rejected the argument by representatives of the U.S. Attorney's office and the District corporation counsel that the suit challenging the constitutionality of the school board raises a frivolous question and should be dismissed.

The judge said that none of the cases cited by attorneys in this case "consider the question of whether a court in the Dis-

trict of Columbia, or elsewhere, may, without violating due process be required by Congress to appoint members of a board with duties unrelated to the judicial function when in so doing the court may be called upon, as it is in this case, to sit in judgment . . . of the actions of that board with respect to the constitutional rights of citizens."

The suit was filed in January by Julius Hobson, head of act, a civil rights group, six other parents, a District school teacher and 11 public school pupils, including Hobson's son and daughter.

The petition contended that Sec. 31-101 of the District Code providing for selection of school board members by District Court judges is unconstitutional.

William Kuntsler, another attorney representing those challenging the legality of the school board, has argued that the use of federal judges to

select school officials results in a conflict of interest.

He explained that if a suit is filed against the school board charging racial discrimination in the schools, it would be heard by the same judges who named the school board members.

THE SUNDAY STAR

Washington, D. C.
March 27, 1966

Citizens Form Group To Push for Election Of City School Board

A citywide organization is being formed to fight for an elected District School Board and to pressure the present, appointed Board for reforms in the school system.

The new group, tentatively called the Community Committee on Public Education, was announced yesterday by the Rev. Channing E. Phillips.

Mr. Phillips, acting cochairman of the D.C. Coalition of Conscience and pastor of Lincoln Memorial Congregational Temple, said the group will be a federation of organizations interested in education and its weapons will include teach-ins, "freedom schools" and school boycotts.

The Committee, scheduled to take shape by June 25, grew out of a resolution adopted Saturday at a community action assembly on public education sponsored by the Washington Urban League's Leadership Development Program.

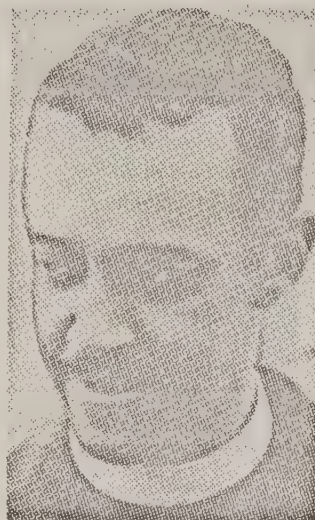
Mr. Phillips, a member of the League's board of directors and chairman of the program, moderated the assembly, which was held at Ferrell Junior High School.

The Committee, he said, will be a "protest-planning-advisory board" that will study Washington's educational needs, report them to the School Board and stage protests to force the election of members of the nine-man Board.

The Board now is chosen by the 15 judges of the U.S. District Court. A suit filed by Julius Hobson, a Government economist who heads the militant civil rights organization called ACT, challenges the right of Federal judges to select the city's School Board members.

The suit was taken under advisement by the U.S. Court of Appeals and is not expected to be decided before the District Court judges fill the expiring terms of three School Board members by June 31.

The Court's decision will



MR. PHILLIPS

"We may form a shadow school board"

play a large part in determining the future activities of the Committee, he said.

"If the judges do not accept the remedy in Hobson's suit (an elected Board) and simply shift the appointive pattern to either the District Commissioners or the President," he

said, "we may form a shadow School Board."

(The Washington chapter of the Congress of Racial Equality has suggested electing a shadow mayor and city council until Congress grants Washington self-government.)

One resolution at Saturday's community action assembly called for the election of a shadow School Board. Other resolutions supported such protest moves as teach-ins and freedom schools.

Freedom schools—patterned after those set up in the South by civil rights workers when the public education system broke down under the strains of integration — would supplement Washington schools in areas where the Committee found they were weak, Mr. Phillips said.

Teach-ins would help to "make the city and the Nation aware of the appointive School Board," he added.

The nucleus of the Committee will be drawn from the 125 organizations represented at the assembly, including P-TAs and citizens' education groups, Mr. Phillips said.

Monday, June 6, 1968

THE WASHINGTON POST

Rights Group Subpoenas School Board

The members of the District Board of Education and Supt. Carl F. Hansen were among 19 persons today subpoenaed to appear before Judge J. Skelly Wright on Wednesday for a hearing on a move to halt a \$240,000 study of the Washington school system.

Attorneys for Julius Hobson, head of the militant civil rights group called ACT, sent the subpoenas today to the board, Hansen, other members of the school administration; two reporters for The Star; two reporters for the Washington Post; Sterling Tucker, director of the Washington Urban League, and Dr. A. Harry Passow, Columbia University Teachers College professor, who is to head the comprehensive study.

The hearing will focus on a motion by Gibson's attorneys for an injunction against the Passow study. The attorneys contend that the study is being used by the school administration as a means of circumventing a suit that alleges racial discrimination in the schools and attacks the track system.

The suit also attacks as unconstitutional the method of selecting members of the school board. It contends the board should be elected and not appointed by judges of the U. S. District Court.

Williams Takes Self Out of Consideration For School Board

By Susan Filson

Washington Post Staff Writer

Wesley S. Williams, president of Washington's School Board, yesterday took himself out of consideration for re-appointment to the Board next month.

Williams, a member of the Board for 15 years and the first Negro to serve as its president, announced at a Board meeting yesterday that "under no circumstance" did he wish to be considered for appointment to a sixth term.

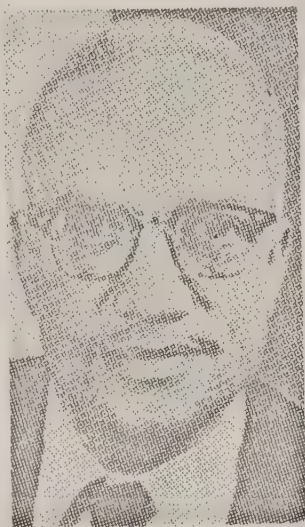
He is one of three Board members whose terms expire June 30. The others are Gloria K. Roberts and Dr. Preston A. McLendon. Board members are appointed by the city's 15 Federal District Court judges.

McLendon Ill

The judges traditionally have re-appointed incumbents. However, Dr. McLendon has been ill and may not wish to serve again. Observers had predicted until recently that both Williams and Mrs. Roberts would be re-appointed. Mrs. Roberts presumably would serve again if asked.

Williams's announcement narrows the field of candidates under consideration to ten, including Dr. McLendon and Mrs. Roberts.

The judges are considering the new appointments amid intense controversy over the method of selecting Washington's School Board. Legislation has been introduced in the House to establish an elected Board with power to tax and finance its own school system. ACT, a militant civil rights group, has filed a suit claiming that judicial appointment of school board members is unconstitutional.



WESLEY S. WILLIAMS

... not a candidate

Refuses Stand

The Board refused at its meeting yesterday to take a position favoring an elected School Board for Washington. A motion by Louise S. Steele to put the Board on record favoring the House legislation failed on a 4-to-4 vote.

Criticism of the present Board has centered around three major factors:

- Only four of the Board's nine members are Negroes in a city with a 60 per cent Negro population and a 90 per cent

Negro pupil population in the schools.

- Only one Board member has a child attending public schools in Washington.

- No Board members live in the central core of Washington where most of the school children are concentrated, and only one Board member lives

in a neighborhood where the general income is below the city average.

The Rev. Everett A. Hewlett said, "By not taking a position on the matter of an elected school board, we (the Board), are giving ammunition to the people who say we're afraid of an election."

Hewlett, Mrs. Steele, Williams and Mrs. Roberts voted for the motion. Voting against were Col. West A. Hamilton, Euphemia L. Haynes, Irving B. Yochelson and Carl Smuck. McLendon was in the hospital.

Williams yesterday also praised last week's report of a House task force headed by Roman C. Pucinski (D-Ill.) "insofar as it signifies, or comes as a harbinger of, a new Congressional determination ... to give to our school system the full measure of support which it needs and must have."

He was critical of specific aspects of the report, which called for a massive overhaul of the schools, including abolition of the track system. "Legislators and judges have no business mixing in things like curriculum," he said.

Court Asked to Bar School Study as Discriminatory

By Paul W. Valentine
Washington Post Staff Writer

A civil rights attorney asserted yesterday that a recently approved \$265,000 Washington school survey is deliberately designed to perpetuate the track system and what he called its built-in racial discrimination.

William M. Kunstler asked Federal Judge J. Skelly Wright to enjoin the School Board from having the study made and order the use of the money instead for a court-directed study of the school system. The money comes

from the city's Federal impact aid grant.

Wright took the matter under advisement. He is expected to rule before June 30, the date the city's eligibility for the impact funds expires.

Assistant Corporation Counsel Robert R. Redmon, arguing for the School Board, denied Kunstler's assertions. School Superintendent Carl Hansen also denied them during a grueling five-hour hearing Monday.

The hearing was a by-product of a suit filed last January by the civil rights group ACT,

claiming that the nine-member school board, appointed by Federal judges, is an unconstitutional body which dissipates funds, equipment and teacher salaries to the disadvantage of Negro pupils.

Negroes make up 90 per cent of the school population. Wright, an appellate judge sitting by designation as a District Court judge in the ACT case, ordered the plaintiffs and defendants some months ago to submit names of experts to conduct an independent study of the school system in light of ACT's charges.

ACT submitted six names. The School Board submitted none, and contended that Wright lacked authority to order the study. Board attorneys also argued that no funds have been appropriated by Congress for such a project.

On March 16, two months after the ACT suit was filed, the Board approved the \$265,000 study to be conducted by A. Harry Passow of Columbia University's Teachers College. Kunstler declared that the study proposal was hastily rammed through the School Board and its Citizens Advisory Council to "frustrate" the

court-ordered study. He argued that Passow is noted as a proponent of the ability-grouping track system and that his study "is therefore knowledgeably prebiased."

Hansen testified that he feels Passow is "neutral" on the track system and is capable of independent judgment. Kunstler also argued that the Passow study proposal was originally aimed only at the track system but was quickly broadened in its application to cover the subject matter ordered for study by Judge Wright.

Judge Refuses to Halt School Survey, Rejecting ACT Cry of 'Whitewash'

By Paul W. Valentine
Washington Post Staff Writer

Federal Judge J. Skelly Wright refused yesterday to halt a proposed \$270,000 School Board sponsored survey of Washington schools, rejecting a civil rights group's accusation that it is designed to "whitewash" alleged racial and economic discrimination.

In a six-page opinion filed in District Court, Wright said there was no indication that the School Board deliberately rushed through the March 16 approval of the survey to combat a suit filed in court three months earlier by ACT, the civil rights group headed by Julius Hobson. ACT had charged that such was the case.

ACT's suit charges that funds, equipment and teacher salaries are distributed in discriminatory fashion to the disadvantage of Negro pupils. Another segment of the suit contends that the appointment of School Board members by

local Federal judges is unconstitutional. That portion of the suit is under consideration by a special three-judge panel in District Court here.

Judge Wright, acting on the discrimination segment, ordered an independent study of the school system in February to examine ACT's charges. He asked ACT and the School Board to propose names of experts to conduct the study. ACT provided six names; the School Board refused to give any, contending Wright lacked authority to order the study and noting there is no congressional appropriation for it anyway.

Shortly thereafter, the Board announced its approval of its own \$270,000 comprehensive survey to be conducted by A. Harry Passow of Columbia University Teachers College.

ACT lawyers rushed back into court and asked Wright to stop the Passow survey, contending it was designed to "thwart" the study ordered by the court. They argued the

Passow study was originally to be limited to the controversial track system but was broadened to include all features ordered for study by Judge Wright. Passow, they complained, is also a proponent of the track system, an ability grouping technique which ACT contends perpetuates racial segregation.

In his opinion yesterday, Wright said ACT lawyers "failed to prove their allegations."

"Even assuming the (Passow) study was expanded after this lawsuit was filed," he noted, "the fact remains that a study of the track system, a major issue in the plaintiff's complaint, had all along been contemplated. . . . Further, there were indications prior to the filing of this suit that a broad study would be required."

He noted that the minutes of School Board and School Advisory Council meetings prior to the January suit referred to the danger of studying the track system "in isolation" and the need to broaden the survey.

Wright also said ACT's claim that Passow favors the track system is "unfounded."

"There is nothing in his work 'The Effects of Ability Grouping' . . . which indicates he is either for or against ability grouping as such," Wright said.

A full-dress trial is scheduled for July 11, before Wright on the issue of discriminatory practices by the School Board.

It is probable that neither the Passow study, which will take 12 to 18 months to complete, nor Wright's independent court-directed study, which hasn't materialized, will have any bearing on the trial.

Wright indicated in his opinion yesterday, however, that he will be glad to receive whatever findings the Passow study develops as it moves along.

The School Board "assured the court that the results of this study, as they come in, will be made available to plaintiffs and the court," he said.

"In the absence of a showing that the study is designed as a whitewash, this attitude reflects the good-faith willingness to get to the bottom of the constitutional problems raised in plaintiffs' complaint," he concluded.



Julius Hobson

Confidential: Dee Cee's Julius Hobson and his ACT (Associated Community Teams) are the gadflies in the school board ointment. ACT got a ruling by a three-judge court to delay appointment of school board members until proved in court that appointment rather than selection of members is unconstitutional. Before that point was settled, ACT was back in court to ask that school records be turned over. When no school officials answered subpoenas and only school board President Wesley Williams appeared, Judge Skelly Wright ordered that the records be made available and officials appear in court. Meanwhile, the school board requested \$240,000 to study the system. Then Hobson asked the court to stay the funds until the constitutionality of the school board was settled. Legal researcher for ACT is Bill Higgs, Mississippi civil rights attorney, who was banished from the state. Higgs uses his alma mater, Harvard, for his research. Attorney for ACT is William Kunstler, a New York City lawyer, who also works for James Meredith, Jack Ruby and the DuBois Club.

* * *

The Evening Star

WASHINGTON, D. C., TUESDAY, JULY 19, 1966

Hansen, Witness in Suit, Gives View on Busing

By JOHN STACKS
Star Staff Writer

District School Supt. Carl F. Hansen said yesterday he would favor the busing of children to correct racial imbalance in Washington's schools "if the parents of the white children would not retreat" from the system when their children are placed in schools with higher proportions of Negroes.

In testimony at the first day of trial in a suit charging the schools with racial discrimination, Hansen repeated, however, his position that such a policy in the District schools would only result in the loss of the remaining white children.

Responding to questions about the desirability of having integrated classrooms Hansen said he felt the District's schools will move further toward a totally Negro composition in the coming years. About 90 percent of the public school children are Negroes.

He told the court the only dramatic change in that trend would come if the "artificial barriers" between the city and suburban school systems were broken down.

The superintendent testified for more than five hours yesterday as the first witness in the suit brought by Julius Hobson, head of the militant civil rights group known as ACT.

The suit, being heard in U.S. District Court by Court of Appeals Judge J. Skelly Wright, charges that the policies and practices of the school system including the track system, are designed to favor white children.

Borrowing heavily from

material contained in the recently released report of the Special House Task Force on Poverty in the District, ACT attorney William M. Kuntzler asked Hansen about the number of all-white and all-Negro faculties in the elementary schools.

The superintendent said he thinks 13 schools have all-white faculties while 65 have no white staff members. Kuntzler introduced evident intended to show that 27 other schools have only one white or Negro faculty member.

Asked if any effort is being made to integrate these faculties, Hansen said he has ordered a "maximum effort" to have racially mixed faculties, but added that he did not approve of the "totalitarian method of pushing people around as if they were pawns." He said no teacher would be transferred for integration purposes against his will.

Sen. Robert C. Byrd, D-W.Va., meanwhile, has expressed reservations about busing District children to relieve over crowding.

"I have grave reservations as to the advisability of such a busing program, for once it is put into operation, the pressures will build for its permanent retention," Byrd said in a statement inserted in the Congressional Record.

Referring to an editorial which appeared last week in The Star, he said: "I am in total agreement with the editorial statement that 'the proper permanent solution is to build adequate schools where they are needed.'"

Denies Favoritism

Hansen Explains Pupil Costs

District School Supt. Carl F. Hansen yesterday denied allegations that more money is allotted to predominately white schools here than to predominately Negro schools.

In his second day of testimony before Judge J. Skelly Wright on a suit filed by ACT, a civil rights group, which charges discrimination in the District schools, Dr. Hansen spent five hours on the stand.

POINT

ACT's attorney William M. Kunstler pointed out that the cost of educating a student ranges from \$250 in some District schools to \$649 in others, and asked Dr. Hansen if it was true that more is generally spent in schools in high income areas.

"There may be some accidental instance of that but it is not a general rule. In nearly all schools where there are abnormal per capita costs, there are special programs," Dr. Hansen replied.

He gave as an example, Grant Elementary School, located near George Washington University, which has a special class for severely handicapped children, and as a result a per pupil cost of \$600.

Dr. Hansen defended the Cardozo model school division yesterday and said it is

"making significant advances in the direction of the objective originally set for it."

"People expect more than what we have accomplished and are impatient."

Dr. Hansen also took considerable time yesterday denying allegations by ACT that the track system discriminates against Negroes, placing a disproportionate number of them in the two lower tracks, those meant for non-college bound pupils.

In the course of the testimony he admitted that the only record he kept on file of the flexibility of the track system was that of a survey which showed 119 of the 2770 elementary school pupils in the basic track were upgraded to the regular track.

He said he has not asked principals of various schools for a report on how many students are moved from one track to another during a school year.

"I make an occasional check as a sampling. We have enough information at hand to satisfy us. There is flexibility in the system."

District Commissioner Walter N. Tobriner also took the stand yesterday.

He said last year the Commissioners submitted a budget of \$107 million and Congress approved \$93 million.

This year the Commissioner has asked for \$115 million, but Congress has not yet acted on it.

He said the Commissioners frequently trim school board requests for funds for construction and equipment "because we know there is no chance of getting a site and equipment."

"When this is done the request is deferred to the following year."

De Facto School Segregation Fought in Capital Suit

By BEN A. FRANKLIN

Special to The New York Times

WASHINGTON, June 18 — A Federal appeals judge began hearing today a suit that lawyers described as the first major attack on de facto pupil discrimination in a large American city. The suit is against the public school system in the District of Columbia.

At root, the suit is an attempt to have the Federal courts declare that de facto school segregation is just as discriminatory and unconstitutional as the deliberate, legislated segregation struck down by the United States Supreme Court 12 years ago.

If the courts accept this argument, one possible remedy would be a merger of predominantly Negro urban school systems with those of the predominantly white suburbs. In some of the largest cities there are not enough white students left to accomplish citywide integration by any other method.

De facto segregation in schools is segregation that results from housing patterns. It exists particularly in big cities.

Significant Gain Seen

Spokesmen for the Negro plaintiffs—a group of 18 parents and children and one teacher—said that a victory in their suit would represent “an advance as significant for the country as Brown v. Board of Education.”

Brown v. the Board of Education of Topeka, Kan., was one of the five original school desegregation cases decided for the Negro plaintiffs in the Supreme Court's historic opinion of May 17, 1954. The school board here was also a defendant in that decision.

The Court's ruling then held that legal and administrative manifestations of discrimination against Negroes in the public schools constituted an unconstitutional denial of equal protection of the law and a denial of due process of law.

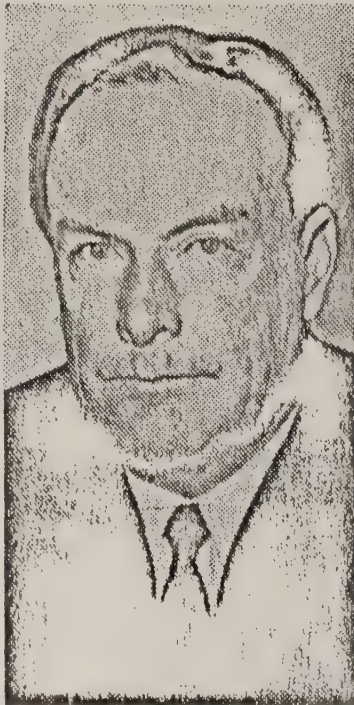
In *Hobson v. Hansen*, the case begun here today, the Federal courts are being asked to declare equally unconstitutional the “denial on account of race and color . . . of educational opportunities, advantages and facilities . . . Equal to those afforded and available to white children.”

The suit is based on the Fifth Amendment guarantee against the deprivation of life, liberty or property without due process of law.

The suit is expected to go to the United States Supreme Court for final determination.

The District of Columbia's school population of about 180,000 children is 93 per cent Negro, and the percentage of Negroes is increasing.

The 14-page complaint, filed



Associated Press

Judge J. Skelly Wright is officiating in the case.

last January by William M. Kunstler of New York, one of the country's most active civil rights lawyers, alleges that Dr. Carl F. Hansen, the Superintendent of Schools here, his staff and the city's school board, have “intentionally” discriminated against Washington's Negro students by means of the following:

¶The controversial “track system” under which pupils here at elementary and secondary school levels are placed in groupings according to ability. The greatest controversy has surrounded the assignment of many disadvantaged Negro children to the “basic” track. The other groupings are “general,”

“college preparatory” and “honors.”

¶Providing the city's few all-white or predominantly white schools with superior “plant, equipment, materials and curricula” and, in the case of some white schools, matching with public school board funds the private contributions of white parents for additional equipment and supplies.

¶Refusing to appoint and dismissing from “high administrative and policy-making positions in the District School System qualified Negroes, solely on account of their race and color.”

¶Redrawing public school boundaries “so as to separate, segregate and exclude the infant by [Negro] plaintiffs . . . from those schools.”

¶Refusing or Neglecting to demand from Congress, which governs this non-self-governing Federal enclave, adequate appropriations to stem “the decline of the quality of the . . . public school system . . . thereby purposely and wilfully creating racial discrimination and segregation in the public schools.”

¶Failing, for all of these reasons, to prevent discrimination “based on economic poverty and deprivation.”

Suburban Comparison

The complaint thus contends that white students here are receiving a better education under better conditions than are Negro students.

The complaint also alleges that Negroes in Washington are receiving educational opportunities inferior to those offered in the contiguous school jurisdiction of Maryland and Virginia.

This was considered significant in view of the probability that a suburban merger remedy will be sought by the plaintiffs

if the suit is upheld in the lower court.

The suit here was originally brought by Julius W. Hobson, a Negro economist for the Social Security Administration and the leader of a militant Washington civil rights group called ACT.

His initial aim was to challenge the constitutionality of the school board itself on grounds that its members are appointed by the judges of the United District Court here rather than elected.

18 Judges Ruled Out

This contention remains in the complaint and has caused unusual judicial complications. Because all 18 judges of the District Court for the District of Columbia are defendants in Mr. Hobson's suit, none of them could try the case.

Instead, the suit is being heard by Judge J. Skelly Wright of the United States Court of Appeals for the District of Columbia. Judge Wright, a former Federal district judge in New Orleans, is regarded as a liberal.

In a lecture at New York University School of Law in February, 1965, Judge Wright declared that “It is inconceivable that the Supreme Court will long sit idly by watching Negro children crowded into inferior slums schools while the whites flee to the suburbs to place their children in vastly superior, predominantly white schools.”

Judge Wright suggested that the Court might require the merger of urban and suburban school systems to achieve an areawide racial balance.

In the opening testimony before Judge Wright today, Dr. Hansen acknowledged under questioning by Mr. Kunstler that at least 13 elementary schools here still had all-white teaching staffs.

Tracks Called 'Valid Only For Whites'

By DUNCAN SPENCER

Star Staff Writer

The newly elected head of the District Board of Education today took the stand in a civil suit against the District school system and attacked the system of ability grouping in schools here as undemocratic and "valid for middle-class whites only."

The suit, in its fifth day in U.S. District Court, charges the school system with discrimination against Negroes.

Miss Euphemia L. Haynes reiterated much of her past criticism of the controversial track system in more than two hours of testimony and cross-examination.

The suit was brought by civil rights leader Julius W. Hobson, who testified yesterday with graphs and statistics which he said document de facto segregation in Washington schools.

Mrs. Haynes today testified that standardized tests now used to group children were created by and for middle-class whites and thus could have little relevance to the District's largely Negro low-income families.

"The burden of the track system," Mrs. Haynes said, "falls on the Negro groups."

She stated that the track system had brought separation of races and that "this is segregation."

She said School Superintendent Carl Hansen had offered no alternative to the track system in the six years she had been a school board member.

She said track system tests funneled most deprived children into the lower track groupings.

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INTERPRETIVE REPORT

D.C.'s School Bias Suit Has National Import

By JOHN STACKS
Star Staff Writer

The suit being heard here charging the District school system with discriminating against Negroes could have results that would affect schools across the nation.

Trial of the suit went into its fifth day today.

At issue is so-called de facto segregation which, as a result of housing patterns, keeps Negro and white children separate in the schools despite the absence of legislated or intentional racial discrimination by school officials. Negroes constitute about 90 percent of the District's school population.

Although not the first suit attacking de facto segregation, the litigation brought by militant civil rights leader Julius W. Hobson is the first in a major city outside the South. And because of the unique political character and racial composition of the District, it is the most complicated.

The point of the legal effort by Hobson is not only to seek relief from the alleged racial discrimination in Washington schools, but to help establish a legal precedent that would form the basis for similar actions in other cities.

The suit in U.S. District Court contends that de facto discrimination is just as unconstitutional as the type of segregation struck down by the Supreme Court in its famous 1954 ruling.

In order to support their contention, Hobson's attorneys have spent the week building a trial record jammed with documents and statistics which they hope U.S. Circuit Court of Appeals Judge J. Skelly Wright will use to support a ruling in their favor.

They are also introducing testimony to demonstrate that Negro children from low-income families clearly suffer from the absence of children from other racial and economic groups in their classrooms.

So far, the argument that de facto segregation is unconstitutional has not been firmly accepted by the nation's highest courts. But many lawyers and jurists have argued that it should be. Among them has been Judge Wright.

In a lecture delivered at the New York University School of Law in Feb., 1965, he said:

"It is inconceivable that the Supreme Court will long sit idly by watching Negro chil-

dren crowded into inferior slum schools while white parents flee to the suburbs to place their children in vastly superior, predominantly white schools.

"Before the Supreme Court acts, some other federal courts no doubt will take a harder look at de facto segregation and will be less inclined to accept the suggestion that the state and its agencies are not, in some degree at least, responsible for it and helpless to correct it."

If the court here accepts the arguments advanced on behalf of Hobson, the complicated question of granting relief follows. In a city with a growing preponderance of Negro students, a city governed and controlled by Congress with only a tenuous hold on its remaining white students, there are no simple solutions.

But Wright, in the same New York lecture, discussed some possible courses of action.

He said that "initially, public school authorities must be cured of the neighborhood school syndrome . . . 20th-century education is not necessarily geared to the neighborhood schools. In fact,

the trend is in the opposite direction."

In the argument over de facto segregation, the question of numbers is always raised and the proper proportion of whites to Negroes is always debated. Wright had this to say:

"What may be substantial imbalance in Boston where the Negro school population is relatively small, may not be in Washington where the Negro school population is approaching 90 percent. Numbers alone do not provide the answer. The relevant population area is an important consideration. Is the relevant area the city alone, or the suburbs as well?"

Hobson's lawyers have been giving heavy attention to the school systems in the suburbs and this week subpoenaed five suburban superintendents to testify. Wright has consistently overruled the District's objections that comparisons between the city schools and the suburbs are irrelevant to the case.

There are growing signs that the plaintiffs may be seeking some combination of the area school systems. Some lawyers, however, believe the

court has no power to cross the state lines in this case, but others feel the court has the power to set that precedent.

Regardless of the city-suburbs issue, the court could order changes in the District's system itself, with the aim of changing racial patterns in the schools.

The track system has been held up by Hobson as a means of discriminating against Negro children, and the suit seeks its abolition.

Testimony this week showed that school buildings themselves are unequal in rich and poor neighborhoods and that there are still schools with all-white or all-Negro faculties. The suit seeks changes in these situations.

The drawing of school boundaries, the suit alleges, continues segregated patterns. Hobson's group hopes to force a redrawing of the neighborhood school lines.

Changes in these and other practices will help end de facto segregation in the District, Hobson's attorneys say. But others feel that such changes will only result in the flight of the remaining white families and the total resegregation of the school system.

ACT School Suit

7-22-66

Washington Star

SATURDAY, JULY 23, 1966

Potomac Watch

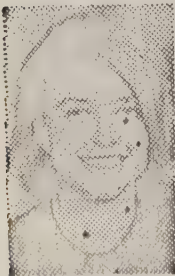
Civil Rights Case Here Is Held Vital

First Legal Attack Against de Facto City Segregation

By Susan Filson

THE MOST significant civil rights story in Washington this summer might well be unfolding in a Federal courtroom where the case of Hobson vs. Hansen is being heard by Judge J. Skelly Wright.

The suit, filed by ACT chairman Julius W. Hobson and six other Negro parents, is the first legal attack on



Miss Filson

de facto segregation in a major city. As such, it is potentially one of the most important civil rights stories in the Nation.

Wright is considered a liberal judge.

He predicted in a lecture at the New York University Law School in 1965 that the Supreme Court would eventually outlaw de facto segregation.

De facto segregation arises from housing patterns and tends to place Negroes and whites in separate schools in most large cities. In Washington, elementary schools west of Rock Creek Park are predominantly white because the neighborhoods are white.

LEGAL segregation was declared unconstitutional more than 12 years ago by the Supreme Court in a landmark decision in the case of Brown vs. the Board of Education of Topeka, Kan. Washington's dual school system was outlawed in the same decision, and the schools were desegregated the following fall.

However, the Brown vs. the Board of Education decision affected only localities where segregation was required by law—mainly in the South and certain border states. Courts have declared school zoning unconstitutional if districts have been gerrymandered to prevent Negroes from attending school with whites. But they have not outlawed segregation arising from the fact that throughout the North, whites and Negroes tend to live in separate areas.

Wright suggested in the same lecture at New York University that the Court may have to require a merger of predominantly Negro urban school districts and predominantly white suburban districts to put an end to de facto segregation.

THUS, Hobson vs. Hansen could have a much more sweeping affect on American schools and racial patterns, than Brown vs. the Board of Education, considered by many legal experts in 1954 to be the most revolutionary judicial decision of the century.

The suit does not turn on the question of whether the school system and its superintendent, Carl F. Hansen, have intentionally discriminated against Negro students. It simply attempts to establish the fact of discrimination.

Hobson, an economist, has produced a mass of charts based on the school system's figures that he analyzed on the witness stand as indicating that white children have more money spent on their education than Negro children and that white schools receive more experienced teachers and more services such as libraries.

The suit could result in a court order that would, for example, demand that the school system equalize per pupil expenditures in white and Negro schools.

THE QUESTION of whether any court would order a merger of urban and suburban school districts to achieve racial balance is pure speculation.

Hansen noted on the witness stand this week that it would be impossible to achieve any reasonable degree of racial integration within the boundaries of the District, because only 7 per cent of students in the schools are white.

The issue of ending de facto segregation might have been clearer-cut in a city with a higher percentage of white students, where a court could order desegregation within the boundaries of one political jurisdiction.

However, the aspects of the suit on matters like per pupil cost have implications for every major city in the country.

Hobson considers secondary another portion of the suit, which contends that the appointment of Washington's School Board by Federal judges is unconstitutional.

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The Washington Post

7-23-66

SECTION B

FRIDAY, JULY 22, 1966

Figures Offered to Show Neglect of Poverty Areas

Hobson Cites Unequal School Spending

By Susan Filson

Washington Post Staff Writer

Julius W. Hobson, chairman of the civil rights group ACT, produced a mass of statistics in court yesterday to substantiate his charges that Washington's schools are spending less money on Negro students from poverty areas than on white students from wealthy sections of the city.

The series of charts depicted a school system that spends more money per pupil as the median income level rises and gives poor Negro students less access than white students to schools with libraries, experienced teachers and honors curriculums.

The charts were based main-

ly on figures supplied by the school system for hearings earlier this year by the subcommittee headed by Rep. Roman C. Pucinski (D-III), and on statistics from the special House Task Force on Poverty in the District. Hobson, an economist with the Social Security Administration, correlated the figures on school expenditures with income levels of Washington families.

Hobson took the witness stand for the first time yesterday in four days of testimony on a suit he and six other Negro parents have filed against the school system. It is the first suit aimed

at ending de facto segregation in a major city. antly Negro schools fall below the same figure.

He opened his testimony by noting that Negro median income in Washington is only 62 per cent of white median income.

Under questioning from William M. Kunstler, an attorney active in civil rights and civil liberties cases, Hobson analyzed charts on subjects ranging from the track system to school libraries.

His first chart indicated that in areas of the city with a median income below \$3872, from 82 to 85 per cent of all school children are classified in the basic or general tracks during 1963-64. The basic track is for the slowest learners in Washington schools and the general track is the next highest rung of the four-curriculum system. Both are for non-college bound students.

The chart noted that Dunbar, an all-Negro high school in one of the poorest areas of the city, has no honors track.

In areas with median incomes over approximately \$10,000, the chart showed, more than 92 per cent of the students are enrolled in the regular or honors tracks—the two college preparatory curriculums. Wilson, a white high school in the far Northwest, has no basic track.

Another chart showed that as neighborhoods become poorer, school expenditures per pupil go down. In schools serving areas with median incomes under \$4000, average per pupil costs are \$309. In schools serving neighborhoods with a median income of more than \$12,000, per pupil cost is more than \$400.

Hobson said only 16 per cent of predominantly white schools fall below the median per capita cost of \$295 while 56 per cent of the predomi-

Another Hobson chart showed that only 16 per cent of all Negro children attend schools with honors tracks while 70 per cent of all white children attend schools with honors tracks.

Another chart showed that the percentage of "temporary teachers"—teachers who have not met requirements for per-

See SUIT, B7, Col. 1

SUIT—From Page B1

Unequal Spending Cited By Hobson on Schools

manent status in the school system — is twice as great in schools serving neighborhoods with incomes under \$4000 as in schools serving areas with incomes over \$12,000.

Hobson produced one chart which he said showed a dramatic increase between 1961 and 1965 in the percentage of students who dropped out of school because of lack of interest in the work. The chart showed an increase of nearly 60 per cent.

The school system has yet to present its side.

Superintendent Carl F. Hansen foreshadowed one possible line of defense earlier this week when he noted that elementary schools in predomi-

nantly white areas are smaller and have declining enrollments. He said this is one cause of variation in per pupil costs from school to school.

Three expert witnesses also testified for the plaintiffs yesterday. One of them was James S. Coleman, professor in the Department of Social Relations at John Hopkins University. Others were Gertrude Justison and Edmonia W. Davidson, professors of education at Howard University.

Euphemia L. Haynes, president of the Washington School Board, is scheduled to testify this morning. Mrs. Haynes has been a vigorous opponent of the track system.

Poor Students Get More Temporary Teachers'

THE WASHINGTON AFRO-AMERICAN,

JULY 23, 1966

Julius Hobson, chief plaintiff in the case against the legality of the existing District School Board, came to court, yesterday (Thursday), armed with charts and figures to prove his contention that colored children are receiving inferior education.

Taking the stand, Hobson testified that as the median income of a family goes up, the per pupil expenditure for that student also rises.

For those families in the lower income ranges, Hobson testified the per pupil expenditure for these students is the lowest in the system.

WORKING FROM statistics gathered from Board of

Education reports and the so-called Pucinski report completed June, 1966, Hobson, in addition, showed that the schools for poor students have the highest percentage of temporary teachers.

Figures he presented were that for families earning (in 1965) less than \$3,999 a year, and for those \$4,000 - \$4,999,

the percentage of temporary teachers in their schools ran 46.2 and 47.3 of their staffs, respectively.

The lowest rates of temporary teachers were experienced by those families earning (in that same year) \$10,000 - \$10,999 and \$11,000 - \$11,999 with 18.8 and 19 per cent, respectively.

On Wednesday, three school superintendents and one assistant superintendent from surrounding suburban school systems testified. Each was called by Hobson's attorneys.

The officials took the stand mainly to identify documents introduced into the record which described their respective areas in terms of: median income of families,

per pupil expenditure, age of school buildings, pupil-teacher ratio, libraries and the percentage of students who go on to college. These will presumably be used by Judge Wright as a comparison of the District's schools to those nearby.

When questioned on the flexibility of the curricula in his school system, Rey E.

Reid, superintendent of schools for Arlington County, Va., testified that the high school student is "generally directed" to choose the course for which he has the aptitude.

He added, however, that the decision is made on a "cooperative basis with kids,

parents, and the advice of guidance counselors."

Replying to a question if Arlington's schools require I.Q. testing as a prerequisite for entering courses, Reid said:

"We don't indulge ourselves much in the I.Q. business."

Earl C. Funderburk, superintendent of schools in Fairfax County, Va., testified that students in Fairfax are grouped into college preparatory courses according to aptitude.

However, he added that if the parent insists on a college preparatory course, the child is not denied. Rather, an attempt is made then to get the child into the area where he would be most effective.

Also testifying was Paul A. Henry, assistant superintendent of schools for Montgomery County, who said that in his county there was "very little variation" in per pupil expenditure among the various schools.

John C. Albhom, superintendent of schools for the city of Alexandria, Va., testified that per pupil expenditure within the various levels of schools in the system were about the same because of "a deliberate effort" to equalize expenditures.

Hansen took the stand and made a pitch for the track system when he testified of the need for "a planned program for children with special learning problems."

He further added that flexibility is part of the system since cross tracking — taking courses in another curricula — is permitted.

PRESENTING FIGURES

on per pupil expenditure, Hobson said that the lowest per capita student expenditure is experienced by families of the \$4,000 - \$4,999 range, while those in the \$11,000 - \$11,999, the highest \$297 vs. \$438, respectively.

Hobson concluded from these sets of figures, which were presented to Appellate Judge J. Skelly Wright in chart form that the poor schools "got more temporary teachers and less money."

With yet another chart, Hobson testified that last school year 16 per cent of the colored children were enrolled in schools with honors tracks, while 70 per cent of the white children attending schools were enrolled in similar schools.

Further, he testified that 7 out of the District's top ten schools in comparing per capita expenditure, were predominately white for the year 1964 - 65.

HOBSON ALSO showed teacher discrimination with another chart indicating that in the year 1965 - 66, 71 per cent of the District's predominately white schools had all

white faculties.

Hobson, chairman of ACT (Associated Community Teams) testified that a trend in faculty segregation has occurred whereby in 1961 - 62 the white schools had a 10 per cent colored faculty to 1965 - 66 when only 3 per cent of teachers in the white schools were colored.

Hobson listed 18 schools lacking library space, 16 of which were "black segregated" the remaining two, in 1966, were predominately

colored with all of the white children in the basic track. Hobson, who is a statistician by profession, said that he had been preparing the statistics since Jan. 16 when he filed his suit contesting the constitutionality of a court-appointed school board.

IQ Tests Distort Skills Of Some, Court Is Told

By JOHN STACKS
Star Staff Writer

A Howard University psychology teacher testified yesterday that the use of intelligence tests that require reading skill has distorted the results for District school children who have taken the tests.

Testifying as the plaintiffs' case neared its end in the trial of de facto segregation charges against the District school sys-

tem, Alfred E. Simons Jr. said that the true ability of disadvantaged children is reflected more accurately in "non-verbal" tests.

Simons, who is also a counselor at Morgan Elementary School here, said a study of high school dropouts at the Lorton Youth Center showed that the non-verbal tests resulted in intelligence quotients as high as 20 points above those obtained with tests that required reading skills.

He said the use of verbal tests is "one of the things that denies Negro children here a good education." Simons said the use of such tests has been reduced in the city's schools but that sixth graders still take the verbal intelligence tests.

One of the issues in the suit is the controversial track system. Intelligence tests are one factor in the placement of students in the various ability groupings.

The trial of the suit brought by Julius W. Hobson, leader of a civil rights group called ACT, is nearing its midpoint. The District corporation counsel is expected to complete its cross-examination of witnesses brought by Hobson's attorneys this week.

After the cross-examination is completed, U.S. Court of Appeals Judge J. Skelly Wright is expected to adjourn the trial for several weeks to give the District time to prepare its defense.

Full

SW School Plan to Test Board

A new, supposedly more liberal D.C. School Board will meet its first test Thursday when it faces an unusual coalition of high-income, well educated professionals and public housing residents of Southwest Washington.

The coalition, established after a flurry of neighborhood activity last week, consists of members of high-, middle-, and low-income groups. They are proposing a unique educational plan to break down economic barriers that they believe are being perpetuated in the schools.

The issue at stake is consolidation of three Southwest elementary schools into one three-school district under a unified administration. The plan could become a model for other school districts that have been racially integrated but are still divided by economic barriers.

By assigning two grades plus kindergarten each to Syphax, Bowen and Amidon schools, the parents hope to compel the District of Columbia to improve the education of youngsters from low-income families as well as those who live in the \$45,000 townhouses and \$250-a-month apartments in Southwest.

The neighborhood coalition was forged at a meeting Thursday night at which the Southwest Neighborhood Assembly and Southwest Neighborhood Action Council (SNAC) accepted the three-school proposal submitted by the Ad Hoc Committee on

Education, a recently formed parents' organization.

The two neighborhood groups had already resolved to act on the school problem before the Ad Hoc Committee came up with the proposal.

The Ad Hoc Committee, representatives of the neighborhood groups and four members of the School Board met Wednesday night.

They agreed to take the three-school proposal to an open meeting Thursday night. It was approved and representatives from all organizations involved were delegated to attend the special School Board session on Thursday.

School Board members showed receptivity to the proposal by agreeing to the special meeting when they are already under pressure to complete next year's budget proposal for Congress.

Dr. Euphemia Haynes, newly elected board president, in pointing out the economics of consolidating staff and facilities, said, "You'll get more money for your school dollar."

Dr. Benjamin Alexander, a new member of the board, repeatedly answered comments of skeptical parents on the board's past record with the assurance, "I like the proposal. I'm with you."

Parents of children who attend "beastly Bowen," as the school is called in the neighborhood, have tried before to get action on their complaints of high faculty turnover, and misuse of facilities.

PTA president Mayola J. Thomas and other parents met in April with Board of Education officials and protested that children were forced to use classroom time and space to eat breakfast and lunch, while a room that could have been converted into a lunch room was used as a teachers' credit union.

The board's answer to this complaint, as one parent put it, was: "How else are these children going to learn thrift? The credit union sets a good example for the youngsters."

But the real complaint, as Leland Hall, field representative for SNAC said, is "an administration attitude." Parents are becoming more and more frustrated, he said, and "they aren't going to take much more kicking in the teeth."

George Jackson, vice president of the Bowen PTA, said "there's been an implication that these children don't need anything like culture, like full-time music teachers or certain textbooks."

Parents on the Ad Hoc Committee envisage the three-school plan as a step toward the neighborhood cohesiveness many of them expected to find when they moved into the urban renewal project.

The new Southwest has open occupancy, and most parents who moved in have cast their vote for a racially integrated neighborhood. Many resisted the appeal of better schools

in the suburbs. Many came because of the highly publicized "Amidon plan" of fundamental education.

Amidon, which has the largest white attendance (about 30 per cent of the enrollment in 1964-65), is racially integrated. Virtually no white children attend Bowen and Syphax. Parents of Bowen and Syphax children have failed in their efforts to have school boundaries redrawn to allow more public housing children into Amidon.

At the same time, Amidon parents, conscious of the potential power of their tax dollars, are saying: "Amidon is no longer the great public school we all moved down here for . . . it's just another District school."

Low- and high-income parents alike express an urgency about the problem, and at last week's meetings, they not only asked but demanded that "something be done by September."

They even offered to personally transport books and materials between the schools.

Board members warned that the changes would require time for staff work and further examination.

Neighborhood representatives have indicated that, to them, a sign of the board's intent to act would be immediate unification of the three schools under one principal and assignment of a top staff person to work out further details.

August 15, 1966

\$100 Million Asked for Operations Wash.

District's Proposed '68

School Budget Has a Different Look

By Susan Filson

Washington Post Staff Writer

The proposed 1968 Washington school budget is in many respects a significant departure from spending programs approved by the city's Board of Education in recent years.

The \$100.7 million operating budget and the \$60.6 million capital outlay program come much closer than past budgets to the school expenditure level deemed necessary by local educators.

What the budget will look like when it emerges more than a year from now from the District Building, the Bureau of the Budget and both houses of Congress is anyone's guess.

Although the request falls far short of the \$477 million "dream budget" presented the Pucinski subcommittee by Superintendent of Schools Carl F. Hansen, past experience indicates that it will be greatly reduced when it comes out of the budgetary mill.

But the fact that the Board and the

school administration are at least asking for a budget that comes closer to the real needs of the schools is significant in itself.

One allegation in a suit against the school system now being heard in U.S. District Court is that the Board of Education has consistently failed to ask for the money it needs to operate the schools. The suit was filed by Julius W. Hobson, chairman of the civil rights group ACT and six Negro parents.

The \$18 million increase requested in the 1968 operating budget is nearly triple the increase between the 1966 operating budget and the 1967 budget now awaiting approval by Congress.

The budget presentation itself was accompanied by an obvious sense of urgency. Joseph M. Carroll, assistant superintendent for research, budget and legislation, said flatly that the school system is failing in its job unless it sends at least 60 per cent of its students on to college or

me other form of higher education.

At present, nearly half of the students who begin seventh grade in Washington's public schools wind up as high school dropouts.

A number of new programs and expanded requests in the budget can undoubtedly be traced to the appointment of three new Board members in June who have shifted the balance on the Board in favor of change in the school system.

Several sources indicated that a great deal of new budget planning and reshuffling went on in the school administration after the new Board appointments were announced.

More than 2100 new teaching and supervisory positions have been requested at a cost of \$12.3 million. Despite this, school officials estimate that an additional 1150 professionals would be required to reduce maximum class sizes to the level sought by the Board.

The budget includes proposals for pre-

ten classes as part of the

stem, an intern-year fo

of college and the hi

number of teacher aides

more than \$32 million of the pro

six-year capital outlay program of \$237.2 million would go for a vocational high school that would eventually provide two years of training beyond the 12th grade.

However, long-range expenditures for school construction may be considerably affected by the policy direction of the new Board. A majority of the Board members have indicated that they think new schools should be built in locations designed to achieve maximum racial and economic integration. Building schools in neighborhoods where most students are likely to be from families with extremely low incomes may not be acceptable to the Board.

And this Board intends to take a stronger hand in the development of every aspect of future budgets than past Boards have done.

Hansen Says Track Plan Will Go Soon

District School Supt. Carl F. Hansen said today he would go to work on phasing out the controversial system of ability grouping in the schools as soon as he is clear as to the school board's intent on the matter.

The Board of Education served notice last week while Hansen was on vacation that the four-track system eventually will be abandoned. He is scheduled back at his office today.

Hansen, who introduced the plan into the schools in 1956 and has defended it through increasingly heated criticism in recent years, said he has no intention of quitting because of the board action.

He acknowledged that the board has authority to make such changes and added, "Of course, my staff and I will cooperate in making them."

Hansen said he has not decided, however, what to do when his current contract expires next May.

Five board members, including three new appointees, combined to pass the resolution making other forms of curriculum organization permissible immediately. No deadline was set for abandonment of the track system.

Hansen said he could not predict yet what changes would be made, or when. He said he intends to talk with the board members to determine their intent and to study the implications of the action.

Since he was not present when the action was taken, he said, he was not sure exactly what it comprised. But he said that if the board has determined to end the track system, "we'll do it."

He indicated that major changes in the classroom system would take a good deal of study by the school administration.

One plan being considered by the board would drop tracking in the elementary grades as early as this fall.

All of City Included In Anacostia Probe

By LARRY A. STILL
Star Staff Writer

The investigation of circumstances surrounding disorders in Anacostia will extend beyond that area, probers disclosed as selection of the 30-member investigating committee continued today.

The committee will not only "seek to determine what happened in Anacostia, but will be probing related problems which are citywide so we can deal with the whole situation, not just one single incident," said co-chairman Sterling Tucker.

District Commissioner Walter Tobriner named Tucker, executive director of the Washington Urban League, and Henry K. Willard II, president of the American Security & Trust Co., co-chairmen yesterday. But some Southeast community spokesmen called the appointments "unrepresentative" of the area.

A suggestion that co-chairmen should have been appointed who are residents of the southeast area and that places be reserved on the committee for youths who are "most affected by the conditions" was expressed by the Rev. James E. Coates.

Neighborhood Official

Mr. Coates is assistant director of the Southeast Neighborhood House, 2283 Mt. View Place SE, and pastor of the Bethlehem Baptist Church, Nichols Avenue and Howard Road SE.

He said his group would continue to cooperate with the official committee, but "we hope the commissioner would reconsider the appointments in order to assure wider acceptance of the committee's efforts from a broader range of the people in the area."

The committee will include student council presidents from the District's 11 high schools as well as leaders from the Nichols Avenue SE, neighborhood where

the outbreak occurred, Tobriner said.

Selection of the remaining committee members was discussed at a meeting of officials and neighborhood leaders at Our Lady of Perpetual Help Catholic Church, 1600 Morris Road SE, last night.

Meeting Slated

An organizational meeting of the group will be held at 2 p.m. tomorrow at the District building, Tucker announced. Hearings will be held in the Southeast and at the District building also, he said.

The committee is scheduled to report to the Commissioners by Sept. 15 on the cause of the disturbance and make recommendations for preventing future outbreaks.

"It is hoped that the membership and quality of the committee will be such that all citizens will receive its suggestions and make the recommended changes necessary," Tucker stated.

However, at least one person, Julius Hobson, head of ACT, a civil rights group, said he had rejected an invitation to serve on the committee because Tucker was a co-chairman.

Tucker Criticized

Hobson said he had sent a telegram to Tobriner stating that Tucker "has never represented black aspirations in this community . . . I would strongly suggest that the people involved be given a voice in the selection of the committee and the naming of its co-chairmen."

"This would certainly be a more democratic procedure and is the only condition under which I would serve," Hobson added.

The Greater Washington chapter of the Americans for Democratic Action also sent Tobriner a telegram urging "the appointment of a fully repre-

sentative and dedicated citizens commission . . . ensuring that a thorough, impartial and meaningful study is conducted so that a program of positive action may result."

"We offer . . . to the board of commissioners the services of our chapter to assist in any way which you feel would be most helpful," the ADA message added.

Tucker was chairman of an unofficial, broadly representative citizens group that investigated the Glen Echo Amusement Park disturbance last spring.

Matching Unit Hit

However, Karl Gudenberg, United Planning Organization summer program coordinator, cautioned against setting up a similar committee again.

"The Glen Echo committee was heavily laden with church and community leaders who don't communicate with teenagers," Gudenberg said.

Meanwhile, Joseph L. Rauh Jr., chairman of the Democratic Central Committee of the District, warned that failure to enact self government legislation for Washington in this session of Congress "can only bring further disillusionment and discontent to our city."

Rauh said he was out making a threat or predicting riots, but added:

"What is in store for us without home rule is an ever increasing guerrilla warfare . . . (when) peaceful protest fails to obtain results."

Leadership Scored

"Already a large segment of the District's population has nothing but contempt for the leadership of the business community which has blocked home rule," said Rauh.

"Soon this deep alienation from the business community will accelerate and spread to other segments of the city," he added.

He called upon President Johnson to "redeem his pledge" to local residents to make home rule legislation the "number one priority" for the District by supporting the Morse amendment to the Higher Education bill in the Senate.

The proposed amendment by Sen. Wayne Morse, D-Ore., would provide a mayor-council form of government. It could be passed before Congress adjourns with the President's support, Rauh declared.

The one-day outburst by Southeast teen-agers, which resulted in one policeman reported injured and 12 persons arrested, followed weeks of rumors of impending trouble. But community spokesman hope the worst is over.

H. Carl Moultrie, president of the D. C. Branch of the National Association for the Advancement of Colored People, stated, "The outburst there will not lead to a series of outbreaks in other areas."

Deputy Police Chief Howard Mowry and Inspector George E. Causey, director of the Police Community Relations Union, said the incident was an isolated affair which would not lead to further street clashes if community leaders could control the Southeast area.

Anacostia Probers Shatter Stereotype From the Start

By JOHN MATHEWS

Star Staff Writer

It took only a few minutes Friday afternoon for the special citizens committee appointed to investigate the Anacostia teenage disturbance to demonstrate that it's not going to be a stereotype group.

Members had hardly settled in their seats in the cavernous public board room of the District Building when Marion Barry, leader of the Free D.C. Movement and Student Non-Violent Coordinating Committee, won a motion demanding that the committee elect its own officers, rather than accepting those appointed by Commissioner Walter N. Tobriner.

That vote and others cut across racial, economic and age lines.

To Report by Sept. 15

The student council leaders who were members—girls dressed in tailored suits, boys with ties, jackets, hats—had been accused of being unrepresentative of poverty youth. But the student leaders and other youth representatives, sitting at the same long table with Barry while most of the adults sat at other tables on the stage above them, were among the most assertive and vocal committee members.

The special committee, which will hold eight scheduled ses-

sions leading to a report to the commissioners by Sept. 15, is unique in several ways.

While the antipoverty program in the District has appointed representatives of the poor to its councils, the District government until last week had never named poverty representatives to such groups as the Commissioners' Citizens Council or traffic board. Most of these representatives are Negro.

The committee is also the first government body to acknowledge and in effect legitimize the modern-day rebellion of youth by giving young people a meaningful voice in adult deliberations.

It was also decided under pressure to invite militant leaders Barry and Julius Hobson, chairman of ACT, to join the committee. Hobson, who is challenging in the courts the constitutionality of the Board of Education, its programs and the Board of Commissioners, refused to serve.

Motions Passed

But Barry, who has developed an image as the prime opponent of the government and business establishment, accepted. At the first meeting, Barry astutely sensed the mood of the majority and deftly made motions aimed at pointing up the city's lack of self-government.

Barry's motions to demand the right of the committee to elect its own officers, to summon Tobriner before the committee and to expand its membership, were passed. The commissioner president turned down the first two demands, but agreed to expand the committee by 10 more members, which should give youth and poverty representatives an even greater voice.

With sessions set to begin tomorrow night at Hart Junior High School in Congress Heights, the area of the disturbance a week ago, the probe is likely to take a form far different from that envisioned by its creators.

While the investigation will look at the youth disturbance in particular, it is likely to provide a forum such as a major city has rarely seen for an airing of the frustrations of low-income urban Negro youth and adults.

When the committee was first being formed, a city official was asked who would be its members.

"Oh, the usual: Catholics, Protestant, Jews, business, labor, civic and citizens associations..." he answered.

But different pressures and counsels prevailed and the committee is far from "the usual." Its investigation and recommendations may also go beyond "the usual."

SPECTATOR

Capitol Hill

Wednesday, August 31, 1966

Washington, D. C.

Parents Of S.W. Begin Own Private School

Last Sunday a group of Southwest parents began formal plans for a new private elementary school in response to the Board of Education's announced plans to merge Amidon, Bowden and Syphax Elementary Schools.

The purpose of the new school will be to provide an advanced curriculum for gifted students now attending Amidon school. Amidon is a new school which has served as a model for the latest teaching techniques, which seek to appeal the particular talents and aptitude of the student.

The parents feel that the consolidation of the grades of all three schools as approved by the Board will result in a leveling of quality amongst the three schools.

The parents agreed that admission to the new school should be based upon the results of aptitude and achievement tests administered by a trained psychologist. The school is to be integrated and open to children from all social and economic backgrounds.

This Fall it is hoped that a pilot class of about 15 students can begin work in the new school. No definite plans have been made concerning the location of the school, but arrangements are already being made to prepare an advanced curriculum. Many of the parents of youngsters at Amidon have teaching credentials and will serve as the nucleus of the new school's staff.

Specialized attention will play a very important part in the new school's orientation. It is hoped that formal classes can be held in the morning, leaving the rest of the day free for special studies and exploratory trips and visits.

The new school is not intended as a boycott of the public school system, nor as a reaction to the change in the economic and social background of Amidon's students, which will be the immediate result of the tri-school plan approved by the Board of Education.

It is hoped that the new school will be able to replace Amidon as a demonstration school for the entire school system.

Whitewash, Powell Says Of Probe in Anacostia

By DUNCAN SPENCER

Star Staff Writer

Rep. Adam Clayton Powell, D-N.Y., yesterday attacked the current probe of recent Anacostia disturbances as a "whitewash."

The congressman claimed after a news conference that the length of the probe, which may end tomorrow after a meeting tonight, amounts to a whitewash for 11th Precinct police officers charged with brutality by local residents. He said that the "mild mannered Negroes" on the probe panel were not "representative of the black masses."

Powell told newsmen at the conference that he always carries a .38 revolver strapped to his side for "self defense," though he did not recommend all Negroes be armed.

Black Power Talks

He held the news briefing to announce a "National Black Power Conference" to be held here next month.

Beside him sat Julius Hobson, chairman of the conference's arrangements committee. Hobson lashed out at Anacostia probes and rights moderates alike as "soft spoken, pasteurized Negroes" who would sell black interests short for "a few pieces of silver."

Powell said the conference, to be held Oct. 15, was necessary because the "civil rights movement is dead." Powell add-

ed that now-pending civil rights legislation meant nothing to him because the struggle for Negro equality had moved out of the sphere of legal rights and into the sphere of "de facto" discrimination all over the country.

Willing to Lead

Powell outlined a concept of black power as a "single thrust" to increase the political and economic strength of Negroes. Though he did not place himself at the head of the movement, he clearly indicated he would lead it if he was drafted "by the people."

He explained that while the black power meeting would not advocate violence, it would "reject unconditional non-violence" and would endorse self defense. "The white power structure only respects one thing—power. This we must acquire."

Goals for the race-oriented movement would include:

1. More congressmen elected by Negro vote-blocs.
2. More representation on the local governmental level.
3. The use of economic boycotts in localities for local objectives.
4. Youth education in the "heritage of the Negro race."

He said that Martin Luther King, Roy Wilkins, and other Negro leaders who have not stressed black power as a separate, racial force would not be excluded from the national conference, but added cryptically, "Right now I'd say they were praying for guidance."

Schools Trial Ends, Briefs Due Dec. 20

By JOHN STACKS

Star Staff Writer

The trial of a suit charging the District with discriminating against its Negro school pupils ended yesterday in U.S. District Court after accumulating more than 6,000 pages of testimony from nearly 30 witnesses in collecting about 400 separate pieces of evidence.

Lawyers for both sides in the complex case were instructed by Judge J. Skelley Wright to file their briefs with the court by Dec. 20. Wright is expected to deliver his opinion after rebuttal briefs are filed in late January.

At stake in the action brought by Washington civil rights leader Julius W. Hobson are a number of issues involving the organization and operation of the city school system and, perhaps, the operation of school systems throughout the nation.

The suit alleges, among other things, that Negro pupils get unequal treatment in the city schools in terms of quality of teachers, the courses open to them through the track system of ability grouping and the selection of tests by which their performance is measured.

But a more far-reaching effect of the suit could be the court's decision on whether a school system is obligated to consider race — rather than ignore it — in setting up attendance boundaries.

And a second question, the converse of the obligation to consider race, is whether school and other government officials are responsible for racial imbalance in the schools despite the absence of any intent to discriminate against Negroes.

Perhaps the most explosive issue in the suit is the role the Washington suburbs might play in providing a remedy to the heavily Negro composition of the city schools.

Washington Star

10/26/66

The legal possibility of the court's crossing state lines to effect racial balance in area schools is considered slim by many attorneys, but other lawyers are convinced Wright has the power and some precedent upon which to take such action.

The involvement of the suburbs in the case (school officials from Maryland and Virginia suburbs testified early in the trial) has already triggered statements by campaigning politicians who have condemned any action that would require the busing of children into or out of the suburbs to achieve racial balance.

More generally, growing objections to U.S. Education Commissioner Harold Howe's statements on busing, coupled with the growing reaction to militant civil rights activities have increased interest in the Hobson case.

Judge Wright himself has given public notice that he is aware of the relation of the suburbs to the racial composition of urban schools. In a speech last year at the New York University Law School he also said he feels federal courts, including the Supreme Court, must some day grant relief to the problems of so-called de facto segregation.

The speech became an issue in the suit when the District Corporation Counsel asked Wright to reconsider his suitability to hear the Hobson case in light of his public statements. He declined to step down from the case because, he said, the petition was filed late and thus violated rules of judicial procedure.

Regardless of the direction Wright takes in his decision, the case seems certain to be appealed first to the U.S. Circuit Court of Appeals here and then, undoubtedly, to the Supreme Court.

The Hobson suit, the first de facto school segregation suit filed in a major U.S. city, is likely to become, one way or another, an important landmark in a legal struggle over race and education.

Let District Control Schools, Teachers Union Urges Hill

By JOHN STACKS

Star Staff Writer

The Washington Teachers Union, in company with its national parent organization, the American Federation of Teachers, yesterday attacked the quality of District public schools and called for Congress to turn over control of the schools to the city's citizens.

The broad indictment of the schools appeared to be the first stop in an increasingly active membership drive by the union in preparation for an anticipated bargaining rights election among city teachers this year.

William Simons, president of the local, began an afternoon press conference with a call for local control of the schools and a condemnation of Congress' tardy action on the city school budget. The press conference was held at the Shoreham Hotel. "What major city began its fiscal year not knowing how

much revenue to expect, how much money it can spend or how much salary three important groups of employees will receive?" Simons asked.

Called Shameful

Pointing to the difficulty the schools have in filling teacher positions authorized by Congress, Simons asked: "Where do you find qualified teachers waiting for jobs in October?"

AFT president Charles Cogen said the national union regards Washington's schools as "shameful" and ranking "in that low, sad category with Southern cities" in teacher salary comparisons.

Cogen also promised AFT financial support for the de facto segregation suit against the schools brought by militant civil rights leader Julius W. Hobson. The union is also preparing to file a brief in the suit on Hobson's behalf.

For several years the union has been seeking recognition as a bargaining agent for city teachers in negotiations with the board of education. The board has not acted on an appeal for a bargaining election.

But the appointment of three new members to the District Board of Education has encouraged union officials who now expect an election during the coming school year.

Panel Gets Appeal

The appeal for an election in which the union would face the larger District of Columbia Education Association is now before the board's committee on complaints and appeals. The committee was led by local attorney Irving B. Yochelson, but is now headed by John A. Sessions, who is employed by the AFL-CIO as an education

expert and who was named to the board in July.

Sessions is expected to arrange a hearing for the union's appeal in the near future.

Simons will not divulge the union's membership but said yesterday it is "approaching a majority." Other sources feel the union represents about one-third of the city's 6,000 teachers.

The attack by Cogen and Simons and the third of a series of rallies held yesterday afternoon protesting school budget cuts by the House Appropriations Committee were seen by some school observers as the beginning of a concerted recruiting drive.

The demonstration was at 4 p.m. at Maryland Avenue and 1st Street NE. About 100 teachers took part.

The union, like other AFT affiliates across the country, asks for collective bargaining for teachers. The D.C. Education Association, a branch of the more conservative National Education Association, argues that union bargaining is "non-professional." The association stresses "professional negotiations."

The Evening Star

WASHINGTON, D. C., MONDAY, OCTOBER 3, 1966

Judge in Schools Suit Refuses to Bar Self

By JOHN STACKS
Star Staff Writer

U.S. Court of Appeals Judge J. Skelly Wright today refused a motion to disqualify himself from hearing the suit against Washington's school system that charges de facto segregation.

Wright told the District Corporation Counsel's office, which filed the motion last Friday, that the motion was filed late and thus violated a section of the Judicial Code which says that such motions must be filed no later than 10 days before a case comes to trial.

The suit was filed by militant civil rights leader Julius B. Hobson last January and has been in the trial stage since early summer.

While he did not specifically refer to his qualifications to hear the case, Wright implied that a speech he gave two years ago in which he speculated that the Supreme Court eventually must take an active hand in ending de facto segregation of schools, did not indicate prejudice on his part.

Plenty of Time

He said that the speech, which was the grounds on which the corporation counsel asked Wright to step down in the case, has been a matter of public record for two years and that there was plenty of time prior to the opening of trial for the corporation counsel's office to file its motion.

The rule for early filing of a disqualification motion cited by Wright was passed by Congress, the judge said, to avoid delay and frustration in trial proceedings. He said the late motion was particularly inappropriate in this case where citizens are

asking redress against their government.

To grant the motion would put an unfair burden upon these citizens, he said, who would have to go to the expense of time and money to re-try the entire case if he were to disqualify himself.

The motion was filed after an informal poll of the District Board of Education indicated that six of the board's nine members substantially approved of the corporation counsel's action.

Protested by Three

However, the three dissenting members, all of whom are opposed to the track system of ability grouping which is one of the issues in the Hobson suit, protested the use of the school board's approval in the motion.

Mrs. Euphemia L. Haynes, board president, said the poll taken by the corporation counsel did not constitute an official board action and thus did not indicate formal board consent to the motion.

After Wright's ruling today, Hobson was cross-examined by the corporation counsel. He was questioned about a chart that he claimed shows that per-pupil expenditures in the District elementary schools are higher in predominantly white residential areas than in poor, Negro neighborhoods.

The corporation counsel was scheduled to file a motion for summary judgment that would have asked Wright to dismiss the suit immediately. But James Cashman, assistant corporation counsel, said that in light of Wright's denial of his earlier motion the plea for summary judgment would not be made.

Judge Refuses to Disqualify Himself

District Judge J. Skelly Wright told the District School Board's attorney that he asked him too late to disqualify himself from presiding over ACT's de facto school desegregation suit against the board.

The attorney, James M. Cashman, had based his request on a speech that the Judge had made two years ago, at New York University Law School, in which he declared himself in favor of eliminating de facto segregation in city schools.

TOO LATE

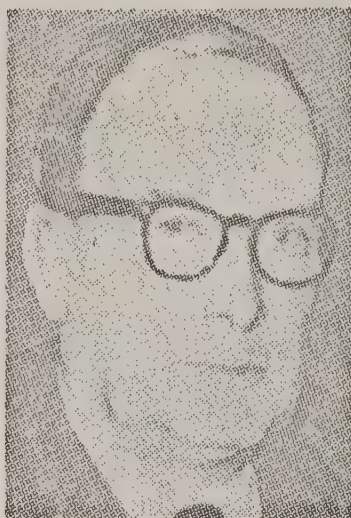
But the Judge never ruled on that issue. He said the motion should have been filed at least 10 days before the trial began — it's been going on now for three months. And he suggested that the tardy motion served as an unnecessary delay — which upset Mr. Cashman.

The lawyer rose. "Your Honor, I have sat by silently while you charged that our request is frustrating justice, that it is delaying the case, that it amounts to filibustering and does not come to grips with the issue . . . These charges are unfair . . ."

The Judge agreed that the Board had a right to try to get a judge more to its liking, but that since his remarks were made two years ago, and were well-publicized, the Board had ample opportunity to complain before now.

The suit charges that less money per pupil is spent on Negro students in the city, that the faculty is segregated, and that the track system of ability grouping is discriminatory.

Three of the nine school



JUDGE WRIGHT

Board members refused to support Mr. Cashman's motion. One, John A. Sessions, sent a lawyer to speak in opposition to it.

The Washington Post

TUESDAY, OCTOBER 4, 1966

'Utterly Frivolous'

Judge J. Skelly Wright of the United States Court of Appeals showed proper mettle in rejecting the offensive request by the Corporation Counsel that he disqualify himself in the *de facto* school segregation suit. This foolish demand was made on behalf of the Superintendent of Schools and half a dozen members of the Board of Education—who had no authority to ask it in the absence of a regular Board meeting. They were wrong to propose such action. And the Corporation Counsel, as their attorney, was wrong to file a motion for them. They did a grave injustice to an honorable and upright judge. And they did a disservice as well to the interest of the community in an impartial judicial determination of a difficult and perplexing issue.

The pretext for this effort to have Judge Wright remove himself from a case on which he is already substantially embarked appeared to be that he had expressed a distaste for racial segregation and discrimination in public schools. So have all nine members of the Supreme Court. They have said that, when based upon race, "separate educational facilities are inherently unequal" and that when required by law they impose on Negro children in the District of Columbia "an arbitrary deprivation of their liberty in violation of the Due Process Clause."

From what he has said, Judge Wright evidently shares this view. He is hardly to be impeached for it. Federal judges must be allowed a bias in favor of the Constitution, just as judges generally must be allowed a bias against crime. We think that the three members of the School Board who declined to join in the motion addressed to Judge Wright and called it "utterly frivolous" achieved rather a miracle of understatement.

Also Need a Fair Trial

Star

The school de facto segregation suit brought by Julius W. Hobson, chairman of the civil rights group known as ACT, raises a number of issues and asks for several forms of relief. It is no part of our purpose to suggest how the court should rule on these matters.

The question which does concern us is whether this case should be tried before Judge J. Skelly Wright. We think it should be tried by some other judge.

Among the defendants named in the suit were the members of the Board of Education, the Superintendent of Schools and all of the judges of the U. S. District Court—the latter because they appoint the members of the school board. Normally, the case would have been heard by a District Court judge. But because they were named as defendants, they were automatically disqualified.

In this situation Chief Judge Bazelon of the United States Court of Appeals designated Judge Wright, one of his associates, to preside at the trial, which has been under way for several months.

A few days ago attorneys in the Corporation Counsel's office, representing the defendants, filed a motion asking Judge Wright to "voluntarily retire" from the case. Their reason was that in view of "prior declarations" by Judge Wright "on the precise issues contained in this case" he might not be able to fairly hear and impartially weigh the evidence, render a completely unbiased ruling, and give the defendants a fair trial.

The lawyers specifically stated that the motion was "not filed as an affidavit of bias or prejudice against the court," their point being that a judge should voluntarily step aside when there was even an "appearance" of predisposition by the court for one litigant over another. Judge Wright, however, elected to treat the motion as an affidavit of prejudice, and rejected it under a federal rule which requires that such an affidavit be filed at least 10 days before the trial begins.

The "prior declarations" to which the motion referred were made by Judge Wright on February 17, 1965, in a remarkable speech at New York University Law School. This speech makes it perfectly evident that he has anything but an open mind on the issue of de facto segregation, which lies at the

heart of this law suit. And we don't suppose that the judge would contend to the contrary. He also spoke disparagingly of the neighborhood school concept, of the flight to the suburbs by white parents, and of both school attendance and political boundaries if these things result in segregated schools.

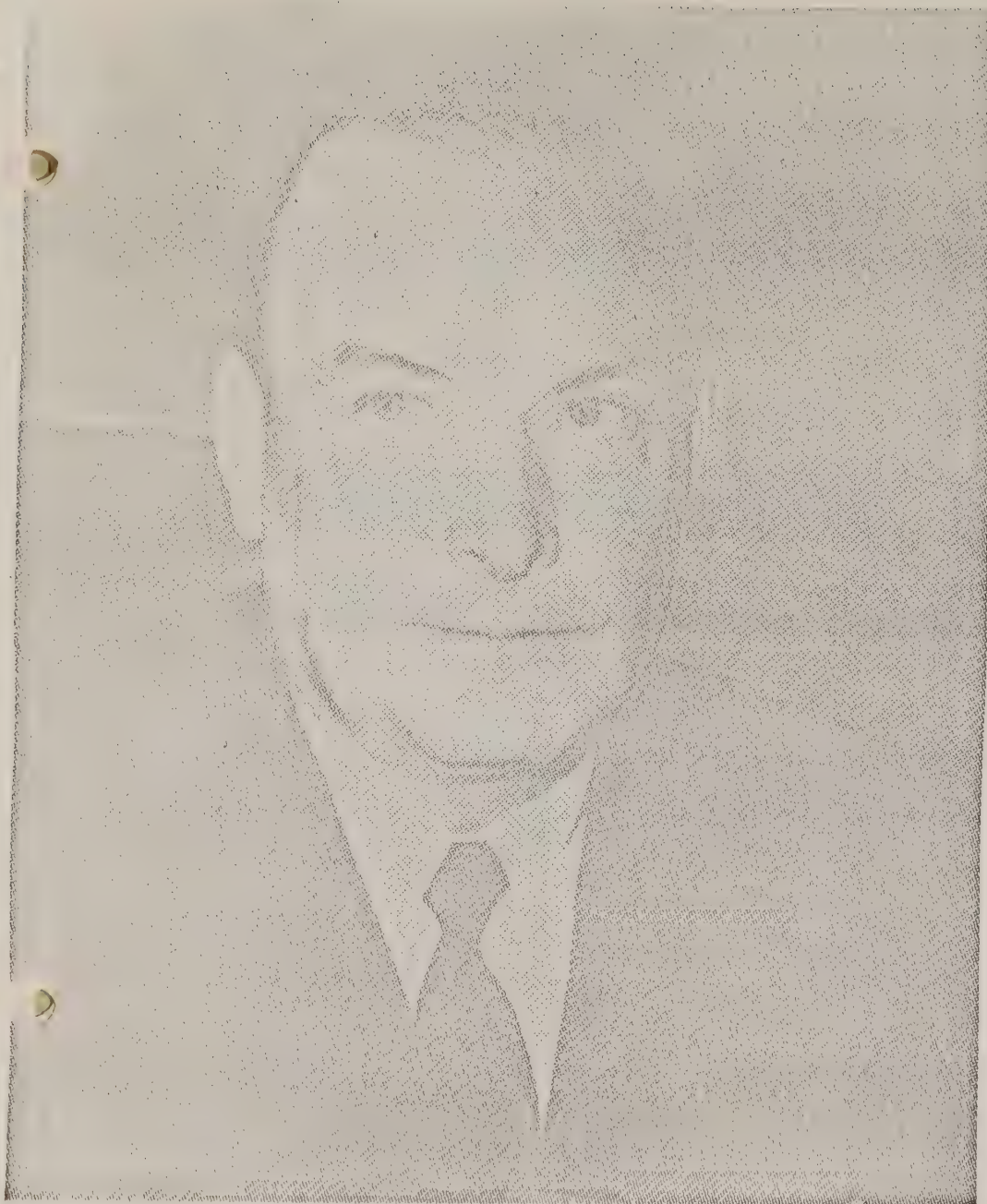
A few excerpts from Judge Wright's address will suggest its flavor:

"After watching, from close range, some of my judicial brethren in the South twisting and turning and reaching for a result in race cases that will not upset the status quo or the local

power structure, it seems that I may now be treated to what appear to be similar performances by my brethren in other parts of the country." This was a reference to two decisions holding that federal courts were without power to relieve de facto segregation. Judge Wright went on to say: "The final word on this subject will, of course be spoken by the Supreme Court. It is inconceivable that the Supreme Court will long sit idly by watching Negro children crowded into inferior Negro slum schools while the white (people) flee to the suburbs to place their children in vastly superior predominantly white schools."

The judge got around to paying his respects to the neighborhood school in the course of a dissertation in favor of such things as "educational parks." "What can a state do," he asked, "what can a court require a state to do, to relieve racial imbalance? In short, what, if any, remedies are available. Initially, public school authorities must be cured of the neighborhood school syndrome. The neighborhood school, like the little red school house, has many emotional ties and practical advantages. . . . But twentieth century education is not necessarily geared to the neighborhood school."

All of these remarks, as we read them, relate to situations within a state, not to situations between states or between the city of Washington and its neighboring states. Judge Wright said two more things, however, which have aroused considerable apprehension in Congress and in this city.



Judge J. Skelly Wright—Should he have stepped aside?

He said that once substantial racial imbalance is shown, no further proof of unequal educational opportunity is required. Then he added: "What may be substantial imbalance in Boston, where the Negro school population is relatively small, may not be in Washington, where the Negro school population is approaching 90 percent. (Actually, it is now about 93 percent). Numbers alone do not provide the answer. The relevant population area is an important consideration. Is the relevant area the city alone or the suburbs as well?"

After indicating his belief that a court would have no difficulty ordering a state or a local taxing authority to raise funds to build an educational park, for example, he continued: "Obviously, court orders running to local officials will not reach the suburbs. Nevertheless, when political lines, rather than school

district lines, shield the (school) inequality ... courts are not helpless to act. The political thicket, having been pierced to protect the vote, can likewise be pierced to protect the education of children."

It was this remark, more than any other single statement in the speech, which brought forth speculation to the effect that Judge Wright might order Negro children bused out of Washington into suburban schools, and white children bused from the suburbs into Washington schools. We do not believe for a moment that any such ruling is in prospect—if for no other reason than that this is not one of the forms of relief sought in the Hobson suit.

The relief requested, however, is sweeping. Among the items are a court order for an elected school board, a ban on school zone lines which discriminate against Negro children, and a court-imposed prohibition against any further "refusal, neglect or failure" by the school authorities to "demand" of the Commissioners and the Congress sufficient funds to provide educational facilities for Negro children in Washington that are equal to those provided for white children in contiguous areas of Maryland and Virginia. School Superintendent Hansen must have gasped when he read that he had refused, neglected or failed to ask for enough money.

On its face, what this suit really comes down to is a petition to the court to deal with an impossible situation as far as de facto segregation is concerned. Any school system that is 93 percent Negro is a segregated system. Nor could this be helped to any significant extent by assigning the few remaining white children to virtually all-Negro schools away from their home areas. If this were to be tried, most of the white children certainly would be taken out of the public schools by their parents. And then what?

The enormous difficulty of the problem here makes it the more unfortunate, in our view, that this case was assigned to Judge Wright. For the defendants, after all, are entitled to a fair trial, and almost any other judge would have been less vulnerable to the suspicion of bias.

In winding up his New York address, Judge Wright made this comment: "I am aware, of course, that what has been said here this evening will not find favor with the advocates of judicial restraint ..."

He can say that again.

Optional Districts Aired in School Suit

By Susan Filson

Washington Post Staff Writer

An assistant school superintendent outlined in Federal District Court yesterday how Washington's present school districts were drawn when legal segregation was eliminated in the city.

John D. Koontz said that after the 1954 Supreme Court desegregation decision, optional attendance zones were established as "safety valves" for white students who wanted to enroll in predominantly white schools.

Koontz was testifying for the third straight day in hearings on the de facto desegregation suit brought against Washington's school system by Julius W. Hobson, chairman of the civil rights group ACT.

Legal segregation, requiring Negroes and whites to attend separate schools, was declared unconstitutional by the Supreme Court in its decision in a series of cases involving

various communities, including the District of Columbia.

De facto school segregation is not established by law, but arises when schools serve neighborhoods that are inhabited by single racial groups.

Optional attendance zones were established between Roosevelt, Cardozo and Western High Schools in 1954 "to give white students a chance to attend a predominantly white school (Western) at a time when Roosevelt High was rapidly turning Negro," Koontz said.

Koontz said in his testimony Friday that optional zones were not established primarily to ease overcrowding.

Asked by Hobson's attorney if the sole purpose of optional zones was "to allow white students to escape from Negro schools," Koontz replied:

"The way you say it, you make it sound like something dirty.

"These were trying times, and you had to do a number of things to keep sanity . . . to prevent disintegration of the community."

An optional zone exists between Dunbar and Western High Schools today, Koontz said, "because people living in the Southwest Redevelopment Area won't send their children to a Negro school." Dunbar is an all-Negro school at 1st and N Streets NW. Western, which was about 50 per cent white last year, is in Georgetown.

Edith O. Lyons, retired assistant superintendent for elementary schools, said sometimes parents would come to her shortly after desegregation and ask for more time before enrolling their children in a school with Negroes.

"Sometimes a parent would say, 'Lady, I come from a place where we didn't know anything about associating with Negro children,'" Miss Lyons said.

Miss Lyons said she would give such parents more time. She said integration is not beneficial to education if it is "forced."

Koontz also said he would consider it a "misuse" of his power to transfer teachers to integrate faculties.

Culture-Tie Of Test Held Not a Defect

By Susan Filson

Washington Post Staff Writer

An executive with the company that publishes most standardized tests used in Washington's schools testified yesterday that he could not be sure whether the tests discriminate against culturally deprived children.

"This is a debatable issue," said Roger T. Lennon, vice president of Harcourt, Brace & World Co. "But the question itself is meaningless when considered apart from how you interpret these tests."

Standardized tests are a major factor in evaluating children for placement in four tracks used in Washington's schools.

Lennon testified in Federal District Court as an expert witness for the school system in its defense against the suit filed by Julius W. Hobson, chairman of the civil rights group ACT. The suit charges that the school system has failed to provide equal educational opportunity for Negro students.

"I can conceive that some of the content in our tests will be about things that some children have had more contact with than others," Lennon said.

He emphasized his belief that "this is not a defect in the tests" but in how they are interpreted and used.

"If you put an undernourished child on a scale, is one scale unfair?" Lennon asked.

"If it were possible to construct a test that didn't reveal a cultural deficit, that test would be wrong . . . We cannot build a test that is completely culture-free."

Lennon also discussed another criticism of standardized tests — that they overemphasize verbal skills when many deprived children come from homes where standard English is not even used.

"If you examine tests with both verbal and nonverbal components," Lennon said, "you will find that there is a general tendency for persons to do about the same on both."

He noted, "The task of the school is overwhelmingly verbal."

Lennon said national achievement norms for the tests are determined from a sampling of all socio-economic, cultural and regional population groups.

Testimony earlier this week centered on the establishment of several optional attendance zones after desegregation in 1954 to allow white students to attend predominantly white schools. Most of the zones have since been abolished. The school system is now 93 per cent Negro.

Assistant Superintendent John D. Koontz said Monday that the zones were established as a "safety valve" for white students. His statement contradicted his testimony Friday in which he said the zones were established primarily to ease crowding.

Testimony on Pupil Tests

Continues in D.C. School Suit

THE EVENING STAR

Washington, D. C., Wednesday, October 12, 1966

By JOHN STACKS
Star Staff Writer

An official of a major standardized test publishing firm said today that each school system which uses standardized tests to predict students' academic performance should check the validity of these tests before relying upon them.

Roger T. Lennon, vice president in charge of the test department of Harcourt, Brace & World, Inc., testifying in U.S. District Court, said the accuracy of standardized tests in predicting achievement may vary with each school system and is especially prone to error in atypical school settings.

Lennon, appearing as a defense witness in the de facto school segregation suit against the District school system, told the court that most school systems do not make their own checks on the tests. He said they rely instead upon the repeated investigations by the publishers and then assume they can proceed safely without further checking.

Under cross-examination by attorneys for Julius W. Hobson, Washington civil rights leader who filed the suit, Lennon said the "predictive validity of standardized tests lends reasonableness to the actions of school of-

ficials in placing students in classes."

Yesterday, Lennon said his company has found that the predictive ability of its tests does not vary appreciably because of race.

In response to questions about alleged unfairness of standardized tests given to low-income Negro children, Lennon declared:

"The deficiencies which handicap poor children in these tests are of the same ones which handicap them in regular schoolwork, and if the tests didn't show the deficiencies they would be useless."

Intelligence, ability and achievement tests, along with teacher evaluation, are used to place children in the District's controversial track system, officials say. The suit charges that the track system discriminates against Negroes.

One remedy proposed for test bias against slum children is the so-called "nonverbal" test which does not demand reading skill of youngsters taking intelligence tests.

Lennon told the court that recent research showed little difference in the results of verbal and nonverbal tests. He said that nonverbal tests are not capable of "tapping the same di-

mensions of intellectual functioning" as the verbal tests.

It is impossible, Lennon testified, to devise a test which ignores differences in family background and cultural experiences.

Meanwhile, Miss Patrica Saltonstall, aide to attorneys representing the plaintiffs in the suit, last night asked civic

group representatives for "desperately" needed money to continue the case.

Schools Trial Ends, Briefs Due Dec. 20

By JOHN STACKS

Star Staff Writer

The trial of a suit charging the District with discriminating against its Negro school pupils ended yesterday in U.S. District Court after accumulating more than 6,000 pages of testimony from nearly 30 witnesses in collecting about 400 separate pieces of evidence.

Lawyers for both sides in the complex case were instructed by Judge J. Skelley Wright to file their briefs with the court by Dec. 20. Wright is expected to deliver his opinion after rebuttal briefs are filed in late January.

At stake in the action brought by Washington civil rights leader Julius W. Hobson are a number of issues involving the organization and operation of the city school system and, perhaps, the operation of school systems throughout the nation.

The suit alleges, among other things, that Negro pupils get unequal treatment in the city schools in terms of quality of teachers, the courses open to them through the track system of ability grouping and the selection of tests by which their performance is measured.

But a more far-reaching effect of the suit could be the court's decision on whether a school system is obligated to consider race — rather than ignore it — in setting up attendance boundaries.

And a second question, the converse of the obligation to consider race, is whether school and other government officials are responsible for racial imbalance in the schools despite the absence of any intent to discriminate against Negroes.

Perhaps the most explosive issue in the suit is the role the Washington suburbs might play in providing a remedy to the heavily Negro composition of the city schools.

Washington Star

10/26/66

The legal possibility of the court's crossing state lines to effect racial balance in area schools is considered slim by many attorneys, but other lawyers are convinced Wright has the power and some precedent upon which to take such action.

The involvement of the suburbs in the case (school officials from Maryland and Virginia suburbs testified early in the trial) has already triggered statements by campaigning politicians who have condemned any action that would require the busing of children into or out of the suburbs to achieve racial balance.

More generally, growing objections to U.S. Education Commissioner Harold Howe's statements on busing, coupled with the growing reaction to militant civil rights activities have increased interest in the Hobson case.

Judge Wright himself has given public notice that he is aware of the relation of the suburbs to the racial composition of urban schools. In a speech last year at the New York University Law School he also said he feels federal courts, including the Supreme Court, must some day grant relief to the problems of so-called de facto segregation.

The speech became an issue in the suit when the District Corporation Counsel asked Wright to reconsider his suitability to hear the Hobson case in light of his public statements. He declined to step down from the case because, he said, the petition was filed late and thus violated rules of judicial procedure.

Regardless of the direction Wright takes in his decision, the case seems certain to be appealed first to the U.S. Circuit Court of Appeals here and then, undoubtedly, to the Supreme Court.

The Hobson suit, the first de facto school segregation suit filed in a major U.S. city, is likely to become, one way or another, an important landmark in a legal struggle over race and education.

Nine Proposed For Board of Public College

The District Commissioners have received the first suggestion on whom they should name to the Board of Higher Education that will run the new public college authorized by Congress.

A small Northeast Washington organization, one of the many groups that lobbied for the institution has proposed nine appointees to Walter N. Tobriner, chairman of the Board of Commissioners.

Mrs. Benjamin H. Alexander, wife of a District Board of Education member and chairman of the Committee for the Establishment of a University for the District of Columbia (UNIDOC) said the members suggested "represent a cross section of the social, cultural and educational segments of our community . . ."

The UNIDOC nominees are Dr. A.V. Astin, director of the National Bureau of Standards; Theodore O. Cron, assistant commissioner for education and information of the Food and Drug Administration; Charles T. Greene, director of industrial safety for the D.C. Minimum Wage and Industrial Safety Board; Mrs. Frederick Z. Hetzel, vice president of the Public Higher Education Committee of D.C. Citizens for Better Public Education.

Also, Mrs. Julius Hobson, wife of the chairman of ACT and a statistician in the U.S. Office of Education; the Rev. Duncan Howlett, pastor of All Souls Unitarian Church; William H. Simons, president of the Washington Teachers' Union; James J. Bierbower, a lawyer, who heads the education committee of the Metropolitan Washington Board of Trade, and Ellis Harworth, chairman of the legislative committee of the D.C. Con-

gress of Parents and Teachers.

Tobriner said he could not predict when the commissioners will name the board. The congressional act sets no time

limit for the appointment of the nine-member board. Five of the members must be District residents for three years prior to their appointment.

City Answers Court Charge

School Balance' Not a Right'

The District argued today that it does not have a constitutional duty to attempt to achieve racial balance in its schools.

In a brief defending itself in a suit charging there is de facto segregation here, the Corporation Counsel's office also said the controversial track system is not discriminatory, as the suit charges, but is a "legitimate function of educational administration."

The 150 page brief answered charges of discrimination by racial imbalance brought against the school system here by Julius W. Hobson, militant Washington civil rights leader in three months of hearings that ended in November.

The city's brief argues there is no evidence that school officials "acted illegally, arbitrarily or capriciously in the exercise of their administrative functions and there has been no

"deprivation of constitutional rights."

The suit says that the "quality of formal education is largely dependent upon the teacher and is not improved simply by having children of different races sitting behind one another in a classroom.

"Racial balance created by legislative or judicial fiat within a school would be educationally sterile and unproductive, for it would inevitably lead to further retreat by white families," it says.



What
Goes
on
Here

Schools Reply In Racial Suit

Insist Balance Is Not Required

By JOHN STACKS
Star Staff Writer

The District has filed its defense brief in the suit charging the city schools with de facto segregation, arguing that "there is no constitutional duty ... to undertake affirmative action to achieve racial balance in the schools."

In its 150-page document, the Corporation Counsel's office

Plan to End Tracks in D.C. Schools
Sought. Page B-1

yesterday also argued that there has been no proof that school officials have "acted illegally, arbitrarily or capriciously in the exercise of their administrative functions" and that there has been no showing of "deprivation of constitutional rights."

The controversial track system, which the suit charged with being used to discriminate against poor children, and the neighborhood school concept are "legitimate functions of educational administration and do not constitute a violation of plaintiffs' constitutional rights," the city attorneys said.

Non-Racial Causes

The trial of the school case ended last month after nearly three months of court hearings. A brief by attorneys for Julius W. Hobson, militant Washington civil rights leader, is expected to be filed today.

Throughout its brief filed in U.S. District Court here, the city attorneys contend that differences in school racial population, achievement levels, per-pupil costs, track placement,

See HOBSON, Page A-6

HOBSON

Schools File Reply On Racial Balance

Continued From Page A-1
attendance, boundaries and teacher assignments stem from other than racial causes.

An integrated schools setting, the District stipulates, would be "educationally advantageous in the informal sense" but to be beneficial "must be accomplished on a voluntary basis."

"The quality of formal education is largely dependent upon the teacher and is not improved simply by having children of different races sitting behind one another in a classroom," the brief states.

"Racial balance created by legislative or judicial fiat within a school would be educationally sterile and unproductive, for it would inevitably lead to further retreat by the white families."

Hobson's attorneys argued in court that the rate of per-pupil expenditures varies directly with income level and racial composition of neighborhoods, but the corporation counsel contends in its brief that salary costs, building maintenance and number of pupils per school account for the differences.

School Site Policy

School construction has favored low-income areas, the city lawyers said, and "there has been an unwritten administrative policy since 1962 that if there is a potential for integration, the school system will locate the school in the most favorable spot to promote integration."

During the trial, Judge J. Skelly Wright asked defense witnesses whether new building west of or within Rock Creek Park had been considered as a means of promoting integration.

The brief replies that such a move would require busing since "the park is a wide, natural barrier with very little direct access from one side to the other."

School officials are attempting to create biracial staffs in all schools, the brief states, but are "opposed to the mandatory transfer of teachers within the school system because of the resentment that would be engendered in teachers from a totalitarian personnel approach to teacher assignment."

The percent of student body enrolled in the various levels of the track system corresponds to the income level of the neighborhood served and does not follow racial lines, the brief states.

"The higher the income level of the area served by the school, the higher percent of the student body of that school in the advanced curriculums."

'No Constitutional Duty'

In presenting their "conclusions of law" in the case, the city attorneys contend that "there is no constitutional duty on the part of defendants to undertake affirmative action to achieve racial balance in the schools when racial imbalance exists as a result of economic or neighborhood patterns and not as a result of actions of (school officials)."

Hobson's attorneys are expected to argue that racial imbalance, no matter how it comes about, is just as unconstitutional as legislated segregation.

Hobson's suit also alleges that the use of standardized intelligence and achievement tests discriminates against poor children, but the corporation counsel contends that such tests measure the skills needed in school and are thus good indicators of pupil weaknesses.

"Race or ethnicity is not significant" in the establishment of test norms "because of the high degree of correlation between school performance and the indices of socio-economic and cultural status," the brief states.

Schools Deny Race Bias Intent

Racial Balance Not Required, District Argues

**Any Segregation
Denial of Equality,
Hobson Suit Says**

By JOHN STACKS
Star Staff Writer

Lawyers for the District public schools argued today that the school system has no constitutional obligation to "undertake affirmative action to achieve racial balance in the city's schools."

Attorneys for civil rights leader Julius W. Hobson met this morning with District Court Judge John T. Sweeney to discuss the plan to end tracks in D.C. schools.

In separate briefs filed in U.S. District Court, the two sides spelled out recommended findings in the year-old case in which Hobson charges the school system with de facto segregation.

The trial of the school case ended last month after nearly three months of hearings in U.S. District Court.

William Kunstler, attorney for Hobson, argued that "racial segregation, as created, continued countenanced and sanctioned by defendants, constitutes a denial of equal educational opportunities (which) is prohibited by the Due Process Clause of the 5th Amendment."

Policies, Facilities Hit

Citing testimony and exhibits from the trial, Hobson's attorneys concluded that "Negro children and those from lower socio-economic groups are segregated in the Washington, D.C., public schools."

This is accomplished, the brief states, through "rigid adherence to the neighborhood school policy, calculated use of optional transfer zones, discriminatory administration of an inflexible system of pupil ability grouping, and the failure to devise and establish suitable plans and programs to stem and reverse a declining white school population."

The brief concludes that evidence proves that Negro children are taught by less experienced teachers, have less money spent on their education and have overcrowded and in-

See HOBSON, Page A-6

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HOBSON

School Racial Suit Arguments Detailed

Continued From Page A-1
adequate facilities and educational materials.

Negro teachers also are segregated in the school system, Hobson's attorneys wrote, by the deliberate transfer of white teachers to predominantly white schools and the deliberate staffing of white schools with permanent teachers and of predominantly Negro schools with Negro teachers.

"Negro personnel are not appointed to available administrative positions in any reasonable relationship to their percentage of the population," the brief states.

Suburb Schools 'Superior'

Pupils in the Washington suburbs are "attending schools superior in almost every respect to those of the public schools of the District of Columbia," the brief argues. This results from the failure of the city school system "to request sufficient funds from the Commissioners and Congress," the brief says.

Many of the findings in the

defense brief are directly disputed by Hobson's attorneys, who also ask for "injunctive and other relief necessary to remedy the denial . . . of plaintiffs of their equal educational opportunity."

The city attorneys wrote that the track system is a "legitimate function of educational administration and does not constitute a violation of plaintiffs' constitutional rights."

The controversial track system and the neighborhood school concept are "legitimate functions of educational administration and do not constitute a violation of plaintiffs' constitutional rights," the city attorneys said.

Non-Racial Causes

Throughout its brief, the city attorneys contend that differences in school racial population, achievement levels, per-pupil costs, track placement, attendance, boundaries and teacher assignments stem from other than racial causes.

An integrated schools setting,

